

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

SUPREME COURT CASE NO.:
74604

DISTRICT COURT CASE NO.:
A-17-758501-W

Electronically Filed
Aug 13 2018 04:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENT'S APPENDIX – VOLUME III

Margaret A. McLetchie, Nevada Bar No. 10931
Alina M. Shell, Nevada Bar No. 11711
MCLETCHIE SHELL LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Telephone: (702) 728-5300
Fax: (702) 425-8220
Email: maggie@nvlitigation.com
Counsel for Respondent, Las Vegas Review-Journal

INDEX TO RESPONDENT'S APPENDIX

<u>VOL.</u>	<u>DOCUMENT</u>	<u>DATE</u>	<u>BATES NUMBERS</u>
I	Legislative History of Assembly Bill 365, 67 th Session	10/14/1993	RA001 – RA066
I	Legislative History of Senate Bill 123, 74 th Session (pages 1 – 132)	02/20/2007	RA067 – RA198
II	Legislative History of Senate Bill 123, 74 th Session (pages 133 – 327)	02/20/2007	RA199 – RA393
III	Legislative History of Senate Bill 123, 74 th Session (pages 328 – 506)	02/20/2007	RA394 – RA572
III	Order Granting in Part Motion for Issuance of a Writ of Mandamus in <i>Blackjack Bonding, Inc. v. Las Vegas Metropolitan Police Department, et al.</i> (Eighth Judicial District Court Case No. A-12-670077-W)	03/19/2013	RA573 – RA576

CERTIFICATE OF SERVICE

I hereby certify that the foregoing RESPONDENT'S APPENDIX – VOLUME III was filed electronically with the Nevada Supreme Court on the 13th day of August, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven B. Wolfson and Laura Rehfeldt
Clark County District Attorney's Office

Micah S. Echols
Marquis Aurbach Coffing

*Counsel for Appellant,
Clark County Office of the Coroner/Medical Examiner*

/s/ Pharan Burchfield
Employee of McLetchie Shell LLC

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 30, 2007

Senate called to order at 11:44 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, let not my unworthiness stand between You and the members of this body as we join in prayer.

Hear not the voice that speaks, but listen to the yearnings of the hearts now open before You in this moment when each one of us is alone with You.

May the love of God, which is broader than the measure of man's mind; the grace of our Lord Jesus Christ, which is sufficient for all our needs; and the fellowship of the Holy Spirit, who shall lead us into all truth, be with us all this day.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were referred Senate Bills Nos. 331, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 186, 197, 584.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 517, Amendment No. 1053, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendments Nos. 994, 997 to Assembly Bill No. 209; Senate

~~[Sec. 2.]~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1049.

"SUMMARY—Makes various changes to provisions relating to public records. (BDR 19-462)"

"AN ACT relating to public records; providing that certain records of a nongovernmental entity are public books or records under certain circumstances; requiring a governmental entity to take certain action in response to a written request to inspect or copy a public book or record; making various changes regarding the confidentiality of records; authorizing a person to apply to a district court for an order to allow the person to inspect or copy certain confidential public books or records that have been in the custody of a governmental entity for a certain period; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990))

Section 4 of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

With the exception of ~~[public books or records pertaining to applicants for gaming licenses,]~~ certain information contained in records of the State Gaming Control Board and the Nevada Gaming Commission, section 6 of

this bill provides that, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. Section 218 of this bill clarifies that a person may apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or copy public books or records that already meet the conditions set forth in section 6.

Section 5 of this bill provides that in any judicial or administrative proceeding in which the confidentiality of a public book or record is at issue and the governmental entity that has legal custody or control of the public book or record asserts that the public book or record is confidential, the governmental entity has the burden of proving such confidentiality.

Sections 3 and 7 of this bill provide that although a nongovernmental entity which performs certain functions for or on behalf of a governmental entity is considered a governmental entity for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility for or on behalf of a governmental entity are public records that must be open for inspection and copying. Section 3 specifically excludes financial or other proprietary records of a nongovernmental entity from this requirement.

Section 8 of this bill provides that a governmental entity shall not deny a request to inspect or copy a public book or record because the public book or record contains information that is confidential if the governmental entity can redact the confidential information.

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 the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;*

2. *The provisions of this chapter must be construed liberally to carry out this important purpose; and*

3. *Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly.*

Sec. 3. 1. Except as otherwise provided in subsection 2, records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility by the nongovernmental entity for or on behalf of a governmental entity are public records that must be open for inspection and copying.

2. This section does not apply to the financial or other proprietary records of the nongovernmental entity.

Sec. 4. 1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Allow the person to inspect or copy the public book or record.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:

(1) Notice of that fact; and

(2) A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.

(d) If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. The provisions of this section must not be construed to prohibit an oral request to inspect or copy a public book or record.

Sec. 5. Except as otherwise provided in section 6 of this act, if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,

↳ the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

Sec. 6. 1. *Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.*

2. *There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that he seeks to inspect or copy.*

3. *The provisions of subsection 1 do not apply to any ~~public~~ book or record ~~[pertaining to an applicant that has been]~~ declared confidential pursuant to subsection 4 of NRS 463.120. ~~[As used in this subsection, "applicant" has the meaning ascribed to it in NRS 463.0135.]~~*

Sec. 7. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

3. "Division" means the Division of State Library and Archives of the Department of Cultural Affairs.

4. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; [or]

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools [-] ; or

(e) *Any other person or nongovernmental entity that administers, manages or regulates an activity, program, institution or facility for or on behalf of a governmental entity described in paragraphs (a) to (d), inclusive, of this subsection.*

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. ~~[All]~~ *Except as otherwise provided in subsection 2, all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.*

2. *A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.*

3. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

~~[3-]~~ 4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has *legal custody or control* of a public record shall not refuse to provide a copy of that public record in a readily available medium because he has already prepared or would prefer to provide the copy in a different medium.

Sec. 9. NRS 239.0105 is hereby amended to read as follows:

239.0105 1. Records of a local governmental entity are confidential and not public books or records within the meaning of NRS 239.010 if:

(a) The records contain the name, address, telephone number or other identifying information of a natural person; and

(b) The natural person whose name, address, telephone number or other identifying information is contained in the records provided such information to the local governmental entity for the purpose of:

(1) Registering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or

(2) On his own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.

2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation; ~~[or]~~

(c) A request by a reporter or editorial employee for the disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station ~~[]~~; *or*

(d) *The provisions of section 6 of this act.*

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise requires, "local governmental entity" has the meaning ascribed to it in NRS 239.121.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 239C.140 is hereby amended to read as follows:

239C.140 1. Except as otherwise provided in subsections 2 and 3, the Commission shall comply with the provisions of chapter 241 of NRS and all meetings of the Commission must be conducted in accordance with that chapter.

2. The Commission may hold a closed meeting to:

(a) Receive security briefings;

(b) Discuss procedures for responding to acts of terrorism and related emergencies; or

(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure,

➔ if the Commission determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all information and materials received or prepared by the Commission during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.*

Sec. 12. NRS 239C.250 is hereby amended to read as follows:

239C.250 1. Each political subdivision shall adopt and maintain a response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:

(a) The Division; and

(b) Each response agency that provides services to the political subdivision.

2. The response plan required by subsection 1 must include:

(a) A drawing or map of the layout and boundaries of the political subdivision;

(b) A drawing or description of the streets and highways within, and leading into and out of, the political subdivision, including any approved routes for evacuation;

(c) The location and inventory of emergency response equipment and resources within the political subdivision;

(d) The location of any unusually hazardous substances within the political subdivision;

(e) A telephone number that may be used by residents of the political subdivision to receive information and to make reports with respect to an act of terrorism or related emergency;

(f) The location of one or more emergency response command posts that are located within the political subdivision;

(g) A depiction of the location of each police station, sheriff's office and fire station that is located within the political subdivision;

(h) Plans for the continuity of the operations and services of the political subdivision, which plans must be consistent with the provisions of NRS 239C.260; and

(i) Any other information that the Commission may determine to be relevant.

3. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the entities with whom it is filed pursuant to subsection 1. An officer, employee or other person to whom the plan is entrusted by the entity with whom it is filed shall not disclose the contents of such a plan except:*

(a) Upon the lawful order of a court of competent jurisdiction; ~~for~~

(b) As is reasonably necessary in the case of an act of terrorism or related emergency ~~[-]~~ ; or

(c) *Pursuant to the provisions of section 6 of this act.*

Sec. 13. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility.

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. ~~[Each]~~ *Except as otherwise provided in section 6 of this act, each vulnerability assessment and emergency response plan of a utility and any*

other information concerning a utility that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

4. A person shall not disclose such information, except:
 - (a) Upon the lawful order of a court of competent jurisdiction;
 - (b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility, as determined by the Division; ~~or~~
 - (c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division ~~or~~; *or*
 - (d) Pursuant to the provisions of section 6 of this act.

5. If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

- (a) A gross misdemeanor; or
- (b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:
 - (1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or
 - (2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

Sec. 14. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 ~~and in section 6 of this act~~, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, to an agency of this State or a political subdivision of this State.

Sec. 15. NRS 1.4683 is hereby amended to read as follows:

1.4683 1. Except as otherwise provided in this section and NRS 1.4693 ~~and section 6 of this act~~, all proceedings of the Commission must remain confidential until the Commission makes a determination pursuant to NRS 1.467 and the prosecuting attorney files a formal statement of charges.

2. The confidentiality required pursuant to subsection 1 also applies to all information and materials, written or oral, received or developed by the Commission or its staff in the course of its work and relating to the alleged misconduct or incapacity of a judge.

3. The Commission shall disclose:

(a) The report of a proceeding before the Commission; and

(b) All testimony given and all materials filed in connection with such a proceeding,

↳ if a witness is prosecuted for perjury committed during the course of that proceeding.

4. If the Commission determines at any stage in a disciplinary proceeding that there is an insufficient factual or legal basis to proceed, the Commission shall dismiss the complaint and may, at the request of the justice or judge named in the complaint, publicly issue an explanatory statement.

5. The Commission may issue press releases and other public statements to:

(a) Explain the nature of its jurisdiction;

(b) Explain the procedure for filing a complaint;

(c) Explain limitations upon its powers and authority; and

(d) Report on the conduct of its affairs.

↳ Such releases and statements must not, without the consent of the justice or judge concerned, disclose by name, position, address or other information the identity of a justice or judge or other person involved in a proceeding then pending before the Commission or that has been resolved without an order of censure, removal or retirement, unless formal charges have been filed after a determination pursuant to NRS 1.467.

6. The Commission may, without disclosing the name of or any details that may identify the justice or judge involved, disclose the existence of a proceeding before it to the State Board of Examiners and the Interim Finance Committee to obtain additional money for its operation from the Contingency Fund established pursuant to NRS 353.266.

7. No record of any medical examination, psychiatric evaluation or other comparable professional record made for use in an informal resolution pursuant to subsection 1 of NRS 1.4665 may be made public at any time without the consent of the justice or judge concerned.

Sec. 16. NRS 62D.440 is hereby amended to read as follows:

62D.440 1. The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if:

(a) The victim requests such a disclosure; or

(b) If the victim is less than 18 years of age, the parent or guardian of the victim requests such a disclosure.

2. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information pertaining to the victim or the parent or guardian of the victim, including, but not limited to, a current or former address, which is obtained*

by the prosecuting attorney pursuant to this section, is confidential and must not be used for a purpose other than that provided for in this section.

Sec. 17. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

- (a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955;
- (b) The unlawful act of using, possessing, selling or distributing a controlled substance; or
- (c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:*

- (a) The juvenile court;
- (b) The child;
- (c) The attorney for the child, if any;
- (d) The parents or guardian of the child;
- (e) The district attorney; and
- (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 18. NRS 62H.220 is hereby amended to read as follows:

62H.220 1. For each child adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the Division of Child and Family Services shall collect from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services:

- (a) The information listed in NRS 62H.210;
- (b) The name of the child; and
- (c) All information concerning programs of treatment in which the child participated that:

(1) Were directly related to the delinquent act committed by the child;
or

(2) Were designed or utilized to prevent the commission of another such act by the child in the future.

2. The Division of Child and Family Services shall provide the information collected pursuant to subsection 1 to the Central Repository for use in the program established pursuant to NRS 179A.270, 179A.280 and 179A.290.

3. ~~[All]~~ *Except as otherwise provided in section 6 of this act*, all information containing the name of the child and all information relating to programs of treatment in which the child participated is confidential and must not be used for a purpose other than that provided for in this section and NRS 179A.290.

4. As used in this section, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (e) Incest pursuant to NRS 201.180;
- (f) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;
- (g) Open or gross lewdness pursuant to NRS 201.210;
- (h) Indecent or obscene exposure pursuant to NRS 201.220;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (k) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony;
- (l) Annoyance or molestation of a minor pursuant to NRS 207.260;
- (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive;
- (n) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or
- (o) An offense committed in another jurisdiction that, if committed in this State, would have been an offense listed in this subsection.

Sec. 19. NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ *and section 6 of this act*, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS.

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

Sec. 20. NRS 91.160 is hereby amended to read as follows:

91.160 1. This chapter must be administered by the Administrator of the Securities Division of the Office of the Secretary of State.

2. It is unlawful for the Administrator or any employee of the Administrator to use for personal benefit any information which is filed with or obtained by the Administrator and which is not made public. It is unlawful for the Administrator or any employee of the Administrator to conduct any dealings regarding a security or commodity based upon any such information, even though made public, if there has not been a sufficient period of time for the securities or commodity markets to assimilate such information.

3. Except as otherwise provided in subsection 4, all information and materials collected, assembled or maintained by the Administrator are public records.

4. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the following information is confidential:*

(a) Information obtained in private investigations pursuant to NRS 91.300; and

(b) Information obtained from federal agencies which may not be disclosed under federal law.

5. The Administrator in his discretion may disclose any information made confidential under subsection 4 to persons identified in subsection 1 of NRS 91.170.

6. No provision of this chapter either creates or derogates any privilege which exists at common law, by statute or otherwise when any record or

other evidence is sought under subpoena directed to the Administrator or any employee of the Administrator.

Sec. 21. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.

2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.

Sec. 22. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Division alleging a violation of this chapter or chapter 116 of NRS, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other charging documents filed with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 23. NRS 118B.026 is hereby amended to read as follows:

118B.026 1. The Administrator may, upon receiving a complaint alleging a violation of this chapter or any regulation adopted pursuant thereto, investigate the alleged violation. The Administrator or his representative shall, upon request, furnish identification during an investigation. ~~[Any]~~ *Except as otherwise provided in section 6 of this act*, any information obtained by the Administrator or his representative in the investigation of a complaint, including the name of the complainant, is confidential and must not be disclosed unless so ordered by the Administrator or a court of competent jurisdiction.

2. If the Administrator finds a violation of the provisions of this chapter or of any regulation adopted pursuant thereto, he may issue a notice of violation to the person who he alleges has violated the provision. The notice of violation must set forth the violation which the Administrator alleges with particularity and specify the corrective action which is to be taken and the time within which the action must be taken.

3. If the person to whom a notice of violation is directed fails to take the corrective action required, the Administrator may:

(a) Extend the time for corrective action;

(b) Request the district attorney of the county in which the violation is alleged to have occurred to prepare a complaint and procure the issuance of a summons to the person for the violation; or

(c) Apply to the district court for the judicial district in which the violation is alleged to have occurred for an injunction and any other relief which the court may grant to compel compliance. In an action brought pursuant to this section, the court may award costs and reasonable attorney's fees to the prevailing party.

➔ The Administrator may, in addition to or in lieu of any action authorized by paragraph (a), (b) or (c), impose a fine pursuant to NRS 118B.251.

4. Any person who violates a provision of this chapter, or a regulation adopted pursuant thereto, shall pay for the cost incurred by the division in enforcing the provision.

Sec. 24. NRS 119.260 is hereby amended to read as follows:

119.260 1. The Administrator may issue orders directing persons to desist and refrain from engaging in activities for which they are not licensed under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter.

2. A person who has violated any of the provisions of this chapter shall not engage in any activity for which a license issued pursuant to this chapter is required after receiving an order in writing from the Administrator directing him to desist and refrain from so doing.

3. Within 30 days after the receipt of such an order, the person may file a verified petition with the Administrator for a hearing.

4. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

5. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, he may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

6. In lieu of issuing an order to cease and desist, if the developer is conducting activities in a manner not in compliance with the provisions of this chapter, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearing; and

(c) Return to the purchasers any money or property which he acquired through such activities.

➡ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 25. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner. The developer shall not engage in any activity regulated by this chapter after he receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, he may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and
- (c) Return to the purchasers any money or property which he acquired through such violations.

➡ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 26. NRS 119B.370 is hereby amended to read as follows:

119B.370 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received a permit under this chapter or conducting activities in a manner not in compliance with the terms of his permit.

2. The order to cease must be in writing and must state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner. The developer shall not engage in any activity regulated by this chapter after he receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition is filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the order to cease is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease, he may obtain judicial review from that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof is on the petitioner. The court shall consider the decision of the Administrator which is being reviewed and shall consider and determine solely whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the administrator in investigating the developer's activities and conducting any necessary hearings; and
- (c) Return to the purchasers any money or property which he acquired through such violations.

➔ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 27. NRS 126.061 is hereby amended to read as follows:

126.061 1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the Health Division of the Department of Health and Human Services, where, *except as otherwise provided in section 6 of this act*, it must be kept confidential and in a sealed file. The physician's failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is

treated in law as if he were not the natural father of a child thereby conceived.

Sec. 28. NRS 127.057 is hereby amended to read as follows:

127.057 1. Any person to whom a consent to adoption executed in this State or executed outside this State for use in this State is delivered shall, within 48 hours after receipt of the executed consent to adoption, furnish a true copy of the consent, together with a report of the permanent address of the person in whose favor the consent was executed to the agency which provides child welfare services.

2. Any person recommending in his professional or occupational capacity, the placement of a child for adoption in this State shall immediately notify the agency which provides child welfare services of the impending adoption.

3. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* information received by the agency which provides child welfare services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

4. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 127.140 is hereby amended to read as follows:

127.140 1. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3, 4 and 5.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to NRS 127.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.

Sec. 30. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services or a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by an agency which provides child welfare services or a child-placing agency pursuant to NRS 127.120 or 127.2805, the agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the agency which provides child welfare services or child-placing agency before the issuance of the results of the investigation. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

Sec. 31. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.
(b) The name, date of birth and current address of the proposed ward.
(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise *provided in section 6 of this act or as otherwise* required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

➔ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 60 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise *provided in section 6 of this act or as otherwise* required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;

(2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or

(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 32. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

(b) Any general investigation made pursuant to NRS 176.151.

➤ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of

performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

- (a) A sex offender as defined in NRS 213.107; or
- (b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, *and except as otherwise provided in section 6 of this act*, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 33. NRS 176A.630 is hereby amended to read as follows:

176A.630 If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of his probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning him to the court for violation of his probation. The court may:

- 1. Continue or revoke the probation or suspension of sentence;
- 2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- 3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- 4. Cause the sentence imposed to be executed; or
- 5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, he shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided his current address to the Division. The notice must inform the victim that he has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of his probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed

until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this subsection. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this subsection is confidential.*

Sec. 34. NRS 178.5691 is hereby amended to read as follows:

178.5691 ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.*

Sec. 35. NRS 179.495 is hereby amended to read as follows:

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the Investigation Division of the Department of Public Safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire or oral communications were or were not intercepted.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.*

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or his counsel those portions of the intercepted communications which contain his conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

Sec. 36. NRS 179A.290 is hereby amended to read as follows:

179A.290 1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:

(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:

(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and

(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.

3. The Director of the Department shall report the statistical data and findings from the program to:

(a) The Legislature at the beginning of each regular session.

(b) The Advisory Commission on Sentencing on or before January 31 of each even-numbered year.

4. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.*

Sec. 37. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➔ that reveals the identity of a victim of sexual assault is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual assault and his attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and his attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual assault.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 38. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

↪ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.

5. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.*

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 39. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. ~~[Reports]~~ *Except as otherwise provided in section 6 of this act, reports* made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
 - (b) Pursuant to NRS 200.50982; or
 - (c) To persons or agencies enumerated in subsection 3,
- ↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982 ~~[,]~~ *and section 6 of this act*, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

- (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;
- (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
- (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;
- (d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
- (e) A person engaged in bona fide research, but , *except as otherwise provided in section 6 of this act*, the identity of the subjects of the report must remain confidential;
- (f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- (g) Any comparable authorized person or agency in another jurisdiction;
- (h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;
- (i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or
- (j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.

Sec. 40. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 ~~[and section 6 of this act]~~:

(a) An application for a permit, and all information contained within that application; and

(b) All information provided to a sheriff or obtained by a sheriff in the course of his investigation of an applicant,
 ➤ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 41. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➤ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all*

personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

➤ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 42. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 12 months.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) If the offender will reside within this State after he is released from the custody of the Department, the board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➡ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➡ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 43. NRS 209.419 is hereby amended to read as follows:

209.419 1. Communications made by an offender on any telephone in an institution or facility to any person outside the institution or facility may be intercepted if:

(a) The interception is made by an authorized employee of the Department; and

(b) Signs are posted near all telephones in the institution or facility indicating that communications may be intercepted.

2. The Director shall provide notice or cause notice to be provided to both parties to a communication which is being intercepted pursuant to subsection 1, indicating that the communication is being intercepted. For the purposes of this section, a periodic sound which is heard by both parties during the communication shall be deemed notice to both parties that the communication is being intercepted.

3. The Director shall adopt regulations providing for an alternate method of communication for those communications by offenders which are confidential.

4. [A] *Except as otherwise provided in section 6 of this act, a communication made by an offender is confidential if it is made to:*

- (a) A federal or state officer.
- (b) A local governmental officer who is at some time responsible for the custody of the offender.
- (c) An officer of any court.
- (d) An attorney who has been admitted to practice law in any state or is employed by a recognized agency providing legal assistance.
- (e) A reporter or editorial employee of any organization that reports general news including, but not limited to, any wire service or news service, newspaper, periodical, press association or radio or television station.
- (f) The Director.
- (g) Any other employee of the Department whom the Director may, by regulation, designate.

5. Reliance in good faith on a request or order from the Director or his authorized representative constitutes a complete defense to any action brought against any public utility intercepting or assisting in the interception of communications made by offenders pursuant to subsection 1.

Sec. 44. NRS 209.521 is hereby amended to read as follows:

209.521 1. If a victim of an offender provides his current address to the Director and makes a written request for notification of the offender's release or escape, the Director shall notify the victim if the offender:

- (a) Will be released into the community for the purpose of employment, training or education, or for any other purpose for which release is authorized; or
- (b) Has escaped from the custody of the Department.

2. An offender must not be temporarily released into the community for any purpose unless notification of the release has been given to every victim of the offender who has requested notification and has provided his current address.

3. The Director may not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to subsection 1 or 2 if no address was provided to the Director or the address provided is inaccurate or not current.

4. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Director pursuant to this section is confidential.

5. As used in this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 45. NRS 211A.140 is hereby amended to read as follows:

211A.140 1. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* information regarding a probationer obtained by the chief, an assistant or other employee of the department in the discharge of his duties shall be deemed confidential. Except as otherwise provided in subsection 2, the chief, an assistant or other employee of the department shall not disclose such information.

2. The chief, an assistant or other employee of the department shall disclose information obtained in the discharge of his duties to the court or the district attorney upon request, or to any other person as ordered by the court or as provided by law.

Sec. 46. NRS 213.010 is hereby amended to read as follows:

213.010 1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.

2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.

3. The Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.

Sec. 47. NRS 213.040 is hereby amended to read as follows:

213.040 All district attorneys receiving notice of an application for a pardon, or commutation of punishment, or remission of fine or forfeiture, shall transmit forthwith to:

1. The Board a statement in writing of facts surrounding the commission of the offense for which the applicant is incarcerated or subject to penalty and any information affecting the merits of the application.

2. Each victim of the person applying for clemency a copy of the notice of the application, if the victim so requests in writing and provides his current address. If a current address is not provided, the district attorney may not be held responsible if a copy of the notice is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal

information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the district attorney pursuant to this subsection is confidential.

Sec. 48. NRS 213.095 is hereby amended to read as follows:

213.095 If the Board remits a fine or forfeiture, commutes a sentence or grants a pardon, it shall give written notice of its action to the victim of the person granted clemency, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

Sec. 49. NRS 213.130 is hereby amended to read as follows:

213.130 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings must be open to the public.

4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a

prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 50. NRS 217.105 is hereby amended to read as follows:

217.105 ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* information which a compensation officer obtains in the investigation of a claim for compensation pursuant to NRS 217.090 or which is submitted pursuant to NRS 217.100 is confidential and must not be disclosed except:

1. Upon the request of the applicant or his attorney;
 2. In the necessary administration of this chapter; or
 3. Upon the lawful order of a court of competent jurisdiction,
- ↪ unless the disclosure is otherwise prohibited by law.

Sec. 51. NRS 217.110 is hereby amended to read as follows:

217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.

2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection 4,

render a decision within 60 days after his receipt of the application or order. If in conducting his investigation the compensation officer believes that:

- (a) Reports on the previous medical history of the victim;
 - (b) An examination of the victim and a report of that examination;
 - (c) A report on the cause of death of the victim by an impartial medical expert; or
 - (d) Investigative or police reports,
- ↳ would aid him in making his decision, the compensation officer may order the reports.

3. Upon the request of a compensation officer pursuant to subsection 2 for investigative or police reports which concern a minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* reports obtained by a compensation officer pursuant to this subsection are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.

4. When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation, if compensation is due, within 15 days after receipt of the reports.

Sec. 52. NRS 218.5356 is hereby amended to read as follows:

218.5356 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division of the Legislative Counsel Bureau. The fiscal analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the fiscal analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the fiscal analysts determine is necessary or at the request of the Committee:

- (a) Collect and analyze data and issue written reports concerning:
 - (1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;
 - (2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;
 - (3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;
 - (4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and
 - (5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.
- (b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:
 - (1) As the fiscal analysts determine are necessary; or

(2) At the request of the Legislature.

↪ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Bureau shall, on or before December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

3. The Bureau may, pursuant to NRS 218.687, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection ~~[,]~~ *or section 6 of this act*, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218.625. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 53. NRS 218.870 is hereby amended to read as follows:

218.870 1. The Legislative Auditor shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

2. All working papers from an audit are confidential and may be destroyed by the Legislative Auditor 5 years after the report is issued, except that the Legislative Auditor:

(a) Shall release such working papers when subpoenaed by a court ~~[,]~~ *or when required to do so pursuant to section 6 of this act*; or

(b) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or by any other person authorized by the Legislative Commission.

Sec. 54. NRS 228.450 is hereby amended to read as follows:

228.450 1. The Ombudsman for Victims of Domestic Violence shall:

(a) Prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.

- (b) Provide necessary assistance to victims of domestic violence.
- (c) Provide education to the public concerning domestic violence, including, without limitation, the prevention of domestic violence, available assistance to victims of domestic violence and available treatment for persons who commit domestic violence.
- (d) Perform such other tasks as are necessary to carry out his duties and the functions of his office.

2. Except as otherwise provided in this subsection ~~[7]~~ and section 6 of *this act*, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.

3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence may be used to compensate the Ombudsman for Victims of Domestic Violence.

Sec. 55. NRS 231.069 is hereby amended to read as follows:

231.069 1. ~~[H]~~ *Except as otherwise provided in section 6 of this act*, if so requested by a client, the Commission on Economic Development shall keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the Executive Director shall attach to the file containing the record or document a certificate signed by him stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his business in Nevada which is within the jurisdiction of a state agency other than the Commission; or

(b) Decides to locate his business in Nevada.

Sec. 56. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section ~~[7]~~ or section 6 of *this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. The Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the party against whom the unlawful discriminatory practice is alleged or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the party against whom the unlawful discriminatory practice is alleged if:

- (a) Each has consented to such disclosure; or
- (b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the party against whom the unlawful discriminatory practice is alleged:

- (a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.
- (b) Any investigative notes or reports made by the Commission.
- (c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. Except as otherwise provided in this section ~~[]~~ *or section 6 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

6. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 57. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of

the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of NRS 360.780. The county license board shall provide upon request an application for a business license pursuant to NRS 360.780. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 244.3357 ~~and section 6 of this act~~, all information concerning license taxes levied

by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation for the exchange of information concerning taxpayers.

Sec. 58. NRS 244.428 is hereby amended to read as follows:

244.428 1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

- (1) A requirement that the youth shelter provide necessary services;
- (2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;
- (3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

- (1) The notification of the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless

youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) ~~[Require]~~ *Except as otherwise provided in section 6 of this act, require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:*

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Sec. 59. NRS 250.150 is hereby amended to read as follows:

250.150 If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 250.160 or 250.180 ~~[-]~~ *or section 6 of this act.*

Sec. 60. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of NRS 360.780. The city licensing agency shall provide upon request an application for a business license pursuant to NRS 360.780. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after

the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 268.0966 [.] and section 6 of this act, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation for the exchange of information concerning taxpayers.

8. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 61. NRS 268.490 is hereby amended to read as follows:

268.490 The municipality shall cause to be kept proper records of all license taxes which become due or which are collected, or both, including, without limiting the generality of the foregoing, records of delinquent taxes, interest thereon and penalties therefrom, which records, *except as otherwise provided in section 6 of this act*, shall be deemed confidential and shall not be revealed in whole or in part to anyone except in the necessary administration of NRS 268.460 to 268.510, inclusive, or as otherwise provided by law.

Sec. 62. NRS 268.910 is hereby amended to read as follows:

268.910 1. An organization for economic development formed by one or more cities shall, at the request of a client, keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the executive head of the organization shall attach to the file containing the record or document a certificate signed by him stating that a request for confidentiality was made by the client and showing the date of the request.

2. ~~[Records]~~ *Except as otherwise provided in section 6 of this act, records and documents that are confidential pursuant to subsection 1 remain confidential until the client:*

(a) Initiates any process regarding the location of his business in a city that formed the organization for economic development which is within the jurisdiction of a governmental entity other than the organization for economic development; or

(b) Decides to locate his business in a city that formed the organization for economic development.

Sec. 63. NRS 284.4068 is hereby amended to read as follows:

284.4068 ~~[The]~~ *Except as otherwise provided in section 6 of this act, the results of a screening test taken pursuant to NRS 284.4061 to 284.407, inclusive, are confidential and:*

1. Are not admissible in a criminal proceeding against the person tested;

2. Must be securely maintained by the appointing authority or his designated representative separately from other files concerning personnel; and

3. Must not be disclosed to any person, except:

(a) Upon the written consent of the person tested;

(b) As required by medical personnel for the diagnosis or treatment of the person tested, if he is physically unable to give his consent to the disclosure;

(c) As required pursuant to a properly issued subpoena;

(d) When relevant in a formal dispute between the appointing authority and the person tested; or

(e) As required for the administration of a plan of benefits for employees.

Sec. 64. NRS 289.025 is hereby amended to read as follows:

289.025 1. *Except as otherwise provided in subsection 2 ~~[.]~~ and section 6 of this act, the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.*

2. *The home address and photograph of a peace officer may be released:*

(a) *If the peace officer authorizes the release; or*

(b) *If the peace officer has been arrested.*

Sec. 65. NRS 293.503 is hereby amended to read as follows:

293.503 1. *The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:*

(a) *Is ex officio county registrar and registrar for all precincts within the county.*

(b) *Shall have the custody of all books, documents and papers pertaining to registration provided for in this chapter.*

2. *All books, documents and papers pertaining to registration are official records of the office of the county clerk.*

3. *The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The*

records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* information relating to where a person registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to voter registration.

Sec. 66. NRS 332.061 is hereby amended to read as follows:

332.061 1. Except as otherwise provided in this subsection ~~[7]~~ *and section 6 of this act*, proprietary information does not constitute public information and is confidential. A person shall not disclose proprietary information unless:

(a) The disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding; and

(b) The person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

2. A bid which contains a provision that requires negotiation or evaluation by the governing body or an evaluator may not be disclosed until the bid is recommended for the award of a contract.

Sec. 67. NRS 333.333 is hereby amended to read as follows:

333.333 1. Except as otherwise provided in subsection 2 ~~[7]~~ *and section 6 of this act*, proprietary information regarding a trade secret does not constitute public information and is confidential.

2. A person shall not disclose proprietary information regarding a trade secret unless the disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding, and the person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

Sec. 68. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Chief of the Purchasing Division, or a committee appointed by the Chief in accordance with the regulations adopted pursuant to NRS 333.135, if he is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Chief of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

3. In making an award, the chief of the using agency, the Chief of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal, including the imposition of an inverse preference described in NRS 333.336, if applicable; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection 3, and is not required to accept the lowest-priced proposal.

6. ~~[Each]~~ *Except as otherwise provided in section 6 of this act, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.*

Sec. 69. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the local government.

2. Upon receipt of an application pursuant to subsection 1, the State Public Works Board or the local government shall:

(a) Investigate the applicant to determine whether he is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The State Public Works Board or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of his right to a hearing pursuant to NRS 338.1381.

4. The State Public Works Board or the local government may determine an applicant is qualified to bid:

- (a) On a specific project; or
- (b) On more than one project over a period of time to be determined by the State Public Works Board or the local government.

5. The State Public Works Board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. The local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. ~~[Financial]~~ *Except as otherwise provided in section 6 of this act, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.*

Sec. 70. NRS 349.775 is hereby amended to read as follows:

349.775 ~~[Any]~~ *Except as otherwise provided in section 6 of this act, or unless the exporter consents to its disclosure, any information submitted to or compiled by the Director regarding the identity, background, finances, marketing plans, trade secrets or any other commercially sensitive affairs of the exporter is confidential . ~~[unless the exporter consents to its disclosure.]~~*

Sec. 71. NRS 353A.100 is hereby amended to read as follows:

353A.100 1. The Chief shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

2. All working papers from an audit are confidential and may be destroyed by the Chief 5 years after the report is issued, except that the Chief:

(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction ~~[;]~~ *or when required to do so pursuant to section 6 of this act;*

(b) Shall make such working papers available to the Legislative Auditor upon his request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him.

Sec. 72. NRS 360.795 is hereby amended to read as follows:

360.795 1. Except as otherwise provided in this section and NRS 360.250 ~~[]~~ *and section 6 of this act*, the records and files of the Department concerning the administration of NRS 360.760 to 360.798, inclusive, are confidential and privileged. The Department, and any employee of the Department engaged in the administration of NRS 360.760 to 360.798, inclusive, or charged with the custody of any such records or files, shall not disclose any information obtained from those records or files. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of NRS 360.760 to 360.798, inclusive, are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his authorized representative of a copy of any document filed by the person pursuant to NRS 360.760 to 360.798, inclusive.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to subsection 3.

(g) Disclosure of information concerning whether or not a person conducting a business in this State has a state business license.

3. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

4. The Executive Director shall periodically, as he deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which he has a record. The list must include the mailing address of the business as reported to the Department.

Sec. 73. NRS 361.044 is hereby amended to read as follows:

361.044 Except as otherwise provided in NRS 360.250 *and section 6 of this act*, and except for information required to be transmitted to the Department, each county assessor shall, at the request of a taxpayer, keep any proprietary information concerning the taxpayer received pursuant to this chapter confidential.

Sec. 74. NRS 363A.110 is hereby amended to read as follows:

363A.110 1. Except as otherwise provided in this section and NRS 360.250 ~~[]~~ *and section 6 of this act*, the records and files of the Department concerning the administration of this chapter are confidential and privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

(f) Exchanges of information pursuant to subsection 3.

3. The Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

Sec. 75. NRS 363B.100 is hereby amended to read as follows:

363B.100 1. Except as otherwise provided in this section and NRS 360.250 ~~[]~~ *and section 6 of this act*, the records and files of the Department concerning the administration of this chapter are confidential and

privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

(f) Exchanges of information pursuant to subsection 3.

3. The Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

Sec. 76. NRS 366.160 is hereby amended to read as follows:

366.160 1. All records of mileage operated, origin and destination points within this State, equipment operated in this State, gallons or cubic feet consumed, and tax paid must at all reasonable times be open to the public.

2. All supporting schedules, invoices and other pertinent papers relative to the business affairs and operations of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user, and any information obtained by an investigation of the records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by *section 6₃₉ of this act or by any other law*.

Sec. 77. NRS 368A.180 is hereby amended to read as follows:

368A.180 1. Except as otherwise provided in this section and NRS 360.250 ~~and section 6 of this act~~, the records and files of the Board and the Department concerning the administration of this chapter are confidential and privileged. The Board, the Department and any employee of the Board or the Department engaged in the administration of this chapter or charged with the custody of any such records or files shall not disclose any information obtained from the records or files of the Board or the Department or from any examination, investigation or hearing authorized by the provisions of this chapter. The Board, the Department and any employee of the Board or the Department may not be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Board and the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Board or the Department and production of records, files and information on behalf of the Board or the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter, if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any report or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit

the accounts of the Board or the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

Sec. 78. NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any

abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 79. NRS 372A.080 is hereby amended to read as follows:

372A.080 1. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* information which is submitted to the Department by or on behalf of a dealer in controlled substances pursuant to this chapter and all records of the Department which contain the name, address or any other identifying information concerning a dealer are confidential.

2. No criminal prosecution may be initiated on the basis of:

- (a) Information which was submitted to the Department; or
- (b) Evidence derived from information submitted to the Department, pursuant to this chapter or any regulation adopted pursuant thereto.

3. No information described in paragraph (a) or (b) of subsection 2 is admissible in a criminal prosecution, unless the prosecution shows that the information:

- (a) Was independently discovered; or
- (b) Inevitably would have been discovered based on independent information.

4. This section does not prohibit the Department from publishing statistics that do not disclose the identity of a dealer or the contents of a particular return or report submitted to the Department by a dealer.

5. Any person who releases or reveals confidential information in violation of this section is guilty of a gross misdemeanor.

Sec. 80. NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any

purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 81. NRS 375A.835 is hereby amended to read as follows:

375A.835 All information and records acquired by the Department or any of its employees pursuant to this chapter are confidential in nature, and except insofar as may be necessary for the enforcement of this chapter or as may be permitted by this chapter ~~[,]~~ *or required by section 6 of this act*, must not be disclosed.

Sec. 82. NRS 375B.450 is hereby amended to read as follows:

375B.450 All information and records acquired from the Internal Revenue Service of the United States Department of the Treasury by the Nevada Tax Commission, the Department or any of their employees pursuant to this chapter are confidential in nature and, except insofar as may be necessary for the enforcement of this chapter, as an employee of the Department has a need to know the information, ~~[or]~~ as may be permitted by this chapter ~~[,]~~ *or as may be required by section 6 of this act*, must not be disclosed.

Sec. 83. NRS 378.300 is hereby amended to read as follows:

378.300 ~~[Public]~~ *Except as otherwise provided in section 6 of this act*, public records acquired by the Division which have been declared by law to be confidential must remain confidential for 30 years, or if the record relates to a natural person, until his death, whichever is later, unless another period has been fixed by specific statute.

Sec. 84. NRS 379.008 is hereby amended to read as follows:

379.008 1. ~~[An]~~ *Except as otherwise provided in section 6 of this act*, an application to the State Library and Archives Administrator for certification and all documents in the file of the State Library and Archives Administrator relating to an application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation;

(c) Transcripts of the applicant's record at colleges or other educational institutions;

(d) Correspondence concerning the application; and

(e) Other personal information concerning the applicant,

→ are confidential.

2. It is unlawful to disclose or release the information in an application or a related document except pursuant to the written authorization of the applicant.

3. The State Library and Archives Administrator shall, upon request, make available the file of the applicant for inspection by the applicant during regular business hours.

Sec. 85. NRS 387.626 is hereby amended to read as follows:

387.626 1. A consultant selected to perform a review of a school district shall:

(a) Consider the results and recommendations of other audits, if any, conducted by or on behalf of the school district in the immediately preceding 6 years;

(b) Hold at least one public meeting in the county in which the school district is located to explain the process of the review and to obtain information from school administrators, teachers, parents and guardians, pupils, members of the business community and other residents of the school district concerning the operation and management of the school district; and

(c) Supervise and oversee his employees and other persons enlisted by the consultant to assist with the review.

2. The Department shall provide technical support and expertise to the consultant during the review to ensure that the objectives of the review and the requirements of NRS 387.602 to 387.644, inclusive, are met.

3. Upon the request of the consultant, the Department, the board of trustees of the school district, the superintendent of schools of the school district and the employees of the school district shall make available to the consultant all books, accounts, claims, reports, vouchers, records and other information, confidential or otherwise, necessary for the consultant to carry out his review.

4. The consultant shall:

(a) Maintain the confidentiality of all information, records and data obtained for the purpose of carrying out the provisions of NRS 387.602 to 387.644, inclusive;

(b) Use such information, records and data only for the purpose of carrying out the provisions of NRS 387.602 to 387.644, inclusive, and for no other purposes;

(c) Require his employees and other persons enlisted by the consultant to assist with the review to comply with the confidentiality requirements of this subsection; and

(d) Keep or cause to be kept a complete file of copies of all reports of reviews conducted pursuant to NRS 387.602 to 387.644, inclusive.

5. All working papers from a review conducted pursuant to NRS 387.602 to 387.644, inclusive, are confidential and may be destroyed by the consultant 8 years after the final written report of the review is issued, except that the consultant:

(a) Shall release such working papers when subpoenaed by a court ~~[-]~~ *or when required to do so pursuant to section 6 of this act;*

(b) Shall make such working papers available to the Legislative Auditor upon his request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him.

Sec. 86. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department ³⁸⁵ by a private entity that scored the

examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➔ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in

grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) *As required pursuant to section 6 of this act.*

Sec. 87. NRS 391.035 is hereby amended to read as follows:

391.035 1. ~~[An]~~ *Except as otherwise provided in section 6 of this act, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:*

(a) The applicant's health records;

(b) His fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of his record at colleges or other educational institutions;

(d) His scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 6 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for his inspection during regular business hours.

Sec. 88. NRS 392.652 is hereby amended to read as follows:

392.652 A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624, a deviation and any information submitted to a development committee pursuant to NRS 392.632, a deviation approved pursuant to

NRS 392.636 and the plan developed pursuant to NRS 392.640 are confidential and, except as otherwise provided in NRS 392.600 to 392.656, inclusive, *and section 6 of this act* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 89. NRS 392.850 is hereby amended to read as follows:

392.850 1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. ~~[Any]~~ *Except as otherwise provided in section 6 of this act*, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

Sec. 90. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 392.640 and 394.168 to 394.1699, inclusive, *and section 6 of this act*, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 91. NRS 394.447 is hereby amended to read as follows:

394.447 Accreditation may be accepted as evidence of compliance with the minimum standards established by the Commission, or the Administrator may require further evidence and make further investigation as in his judgment or the judgment of the Commission are necessary. Accreditation may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited. Upon request by the Administrator, the institution shall submit copies of all written materials in its possession relating to its accreditation. ~~[The]~~ *Except as otherwise provided in section 6 of this act*, the Administrator shall keep the materials confidential.

Sec. 92. NRS 394.460 is hereby amended to read as follows:

394.460 1. Each person required to be licensed as a postsecondary educational institution by the Commission or each postsecondary educational institution requesting to add a new program or degree or to renew a license must apply to the Administrator, upon forms provided by him. The application must be accompanied by the required fees. The institution's

curriculum and financial statement are confidential *except as otherwise provided in section 6 of this act* or unless, in the opinion of the Commission, they militate against the issuance of a license.

2. After review of the application, any other information required by the Administrator and the report of the panel of evaluators, and an investigation of the applicant if necessary, the Commission shall grant or deny a license or grant a provisional license for a term specified by the Commission. Before the expiration of a provisional license, the Administrator shall inspect the institution, or the Commission may require the appointment of a panel of evaluators to inspect the institution, and recommend whether to revoke or continue the provisional license or to grant an unqualified license. The Commission may accept or reject the recommendation.

3. The license must state at least the following information:

- (a) The date of issuance, effective date and term of the license.
- (b) The correct name, address and owner of the institution.
- (c) The approved degrees or occupational subjects.
- (d) Any limitation considered necessary by the Commission.

4. The term for which a license is given must not exceed 2 years. The license must be posted in a conspicuous place.

5. The license must be issued to the owner or governing body of the institution and is nontransferable. If a change in ownership of the institution occurs, the owner to whom the license was issued shall inform the Administrator, and the new owner or governing body must, within 10 days after the change in ownership, apply for an approval of the change of ownership. If it fails to do so, the license terminates.

6. Within 10 days after a change of location or an addition of buildings or other facilities, the institution must file a notice of the change with the Administrator.

7. At least 60 days before the expiration of a license, the institution must complete and file with the Administrator an application for renewal of its license.

Sec. 93. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection 4, before a postsecondary educational institution employs or contracts with a person:

- (a) To occupy an instructional position;
- (b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or
- (c) To act as an agent for the institution,

↳ the applicant must submit to the Administrator completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of a complete set of his fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report. The fingerprint cards and authorization form submitted must be those which are

provided to the applicant by the Administrator. The applicant's fingerprints must be taken by an agency of law enforcement.

2. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the Administrator shall keep the results of the investigation confidential.*

3. The applicant shall pay the cost of the investigation.

4. An applicant is not required to satisfy the requirements of subsection 1 if he:

(a) Is licensed by the Superintendent of Public Instruction;

(b) Is an employee of the United States Department of Defense;

(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution; or

(d) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

Sec. 94. NRS 396.525 is hereby amended to read as follows:

396.525 1. *Except as otherwise provided in subsection 2 ~~[,]~~ and section 6 of this act, the records of the genetics program concerning the clients and families of clients are confidential.*

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 95. NRS 398.403 is hereby amended to read as follows:

398.403 1. *Except as otherwise provided in subsections 2 and 3 ~~[,]~~ and section 6 of this act, the following information and documents do not constitute public information and are confidential:*

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.400 to 398.620, inclusive; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.400 to 398.620, inclusive, which constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action pursuant to NRS 398.400 to 398.620, inclusive.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving

agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.400 to 398.620, inclusive, do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 96. NRS 416.070 is hereby amended to read as follows:

416.070 1. ~~[Any]~~ *Except as otherwise provided in section 6 of this act,* any information furnished under NRS 416.040 and designated as confidential by the person providing the information shall be maintained as confidential by the Governor and any other person who obtains information which he knows to be confidential under this section.

2. The Governor shall not make known in any manner any particulars of the information to any person other than those he designates in writing as having a need to know such information.

3. No subpoena or other judicial order may be issued compelling the Governor or any other person to divulge or make known the confidential information, except when the information is relevant to proceedings under subsection 6.

4. Nothing in this section prohibits use of confidential information to prepare statistics or other general data for publication in such a manner that the identity of particular persons or business establishments is protected.

5. Any person or business establishment who is served with a subpoena to give oral testimony or to produce any book, paper, correspondence, memorandum, account, agreements or other document or record pursuant to this chapter may apply to any district court for a protective order as provided by Rule 26 of the Nevada Rules of Civil Procedure.

6. In addition to any other penalties provided by law, a person who willfully discloses confidential information in violation of this section is subject to removal from office or immediate dismissal from public employment.

Sec. 97. NRS 422.305 is hereby amended to read as follows:

422.305 1. Except as otherwise provided in subsection 2 and ~~[in]~~ NRS 228.410 and 422.2374 ~~[,]~~ *and section 6 of this act,* any information obtained by the Division in an investigation of a provider of services under the State Plan for Medicaid is confidential.

2. The information presented as evidence at a hearing:

(a) To enforce the provisions of NRS 422.450 to 422.590, inclusive; or

(b) To review an action by the Division against a provider of services under the State Plan for Medicaid,

➤ is not confidential, except for the identity of any recipient of the assistance.

Sec. 98. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held

pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:

(1) Provided to the enforcing authority.

(2) Placed in the records relating to the matter and, except as otherwise required to carry out ~~{a}~~ *the provisions of section 6 of this act or any other specific statute*, maintained in a confidential manner.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a

dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 99. NRS 425.3844 is hereby amended to read as follows:

425.3844 1. A recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, must be furnished to each party or his attorney at the conclusion of the proceedings or as soon thereafter as possible.

2. Within 10 days after receipt of the recommendation, any party may file with the district court and serve upon the other parties a notice of objection to the recommendation. The notice must include:

- (a) A copy of the master's recommendation;
- (b) The results of any blood tests or tests for genetic identification examined by the master;
- (c) A concise statement setting forth the reasons that the party disagrees with the master's recommendation, including any affirmative defenses that must be pleaded pursuant to the Nevada Rules of Civil Procedure;
- (d) A statement of the relief requested;
- (e) The notice and finding of financial responsibility if the Chief issued such a notice and finding; and
- (f) Any other relevant documents.

3. The district court shall:

- (a) If a notice of objection is not filed, accept the recommendation entered by the master, including a recommendation establishing paternity, unless clearly erroneous, and judgment may be entered thereon; or
- (b) If a notice of objection is filed within the 10-day period, review the matter pursuant to NRS 425.3834.

4. A party who receives a notice of objection pursuant to subsection 2 is not required to file an answer to that notice. The district court shall review each objection contained in the notice.

5. If a notice of objection includes an objection to a recommendation establishing paternity, the enforcement of any obligation for the support of the child recommended by the master must, upon the filing and service of the notice, be stayed until the district court rules upon the determination of paternity. The obligation for the support of the child continues to accrue during the consideration of the determination of paternity and must be collected as arrears after the completion of the trial if the court approves the recommendation of the master.

6. If a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, modifies or adjusts a previous order for support issued by any district court in this state, that district court shall review the recommendation and approve or reject the recommendation issued by the master.

7. Upon approval by the district court of a recommendation entered by a master pursuant to NRS 425.382³⁹³ to 425.3852, inclusive, including a

recommendation establishing paternity, a copy of the recommendation, with the approval of the court endorsed thereon, must be filed:

- (a) In the office of the clerk of the district court;
- (b) If the order of the district court approving the recommendation of the master modifies or adjusts a previous order issued by any district court in this state, with the original order in the office of the clerk of that district court; and
- (c) With any court that conducts a proceeding related thereto pursuant to the provisions of chapter 130 of NRS.

8. A district court that approves a recommendation pursuant to this section shall ensure that, before the recommendation is filed pursuant to subsection 7, the social security numbers of the parents or legal guardians of the child are:

- (a) Provided to the enforcing authority.
- (b) Placed in the records relating to the matter and, except as otherwise required to carry out ~~[a]~~ *the provisions of section 6 of this act or any other specific statute*, maintained in a confidential manner.

9. Upon the approval and filing of the recommendation as provided in subsection 7, the recommendation has the force, effect and attributes of an order or decree of the district court, including, but not limited to, enforcement by supplementary proceedings, contempt of court proceedings, writs of execution, liens and writs of garnishment.

Sec. 100. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, or an order approving a recommendation for the support of a dependent child made by a master shall ensure that the social security numbers of the parents or legal guardians of the child are:

- 1. Provided to the enforcing authority.
- 2. Placed in the records relating to the matter and, except as otherwise required to carry out ~~[a]~~ *the provisions of section 6 of this act or any other specific statute*, maintained in a confidential manner.

Sec. 101. NRS 427A.1236 is hereby amended to read as follows:

427A.1236 All records in the possession of the Specialist for the Rights of Elderly Persons relating to his counseling or representation of an elderly person are confidential and must not be released to any other person except upon order of a court of competent jurisdiction ~~[-]~~ *or pursuant to the provisions of section 6 of this act*.

Sec. 102. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ *Except as otherwise provided in section 6 of this act, reports* made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; or

(c) As otherwise required pursuant to NRS 432B.513,

➔ is guilty of a misdemeanor.

Sec. 103. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.*

4. Information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 104. NRS 433.534 is hereby amended to read as follows:

433.534 1. The rights of a client enumerated in this chapter must not be denied except to protect the client's health and safety or to protect the health and safety of others, or both. Any denial of those rights in any facility must be entered in the client's record of treatment, and notice of the denial must be forwarded to the administrative officer of the facility. Failure to report denial of rights by an employee may be grounds for dismissal.

2. If the administrative officer of a facility receives notice of a denial of rights as provided in subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. ~~[Such]~~ *Except as otherwise provided in section 6 of this act, such a report is confidential and must not be disclosed. A copy of the report must be sent to the Commission.*

3. The Commission:

- (a) Shall receive reports of and may investigate apparent violations of the rights guaranteed by this chapter;
- (b) May act to resolve disputes relating to apparent violations;
- (c) May act on behalf of clients to obtain remedies for any apparent violations; and
- (d) Shall otherwise endeavor to safeguard the rights guaranteed by this chapter.

4. Pursuant to NRS 241.030, the Commission may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:

- (a) The denial of the rights of a client; or
 - (b) The care and treatment of a client.
- The provisions of this subsection do not require a meeting of the Commission to be closed to the public.

Sec. 105. NRS 439.270 is hereby amended to read as follows:

439.270 1. The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.

2. All physicians shall report immediately to the Health Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.

3. The Health Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.

4. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the reports are for the information of the Department of Motor Vehicles and must be kept confidential and used solely to determine the eligibility of any person to operate a vehicle on the streets and highways of this State.*

5. A violation of this section is a misdemeanor.

Sec. 106. NRS 439.840 is hereby amended to read as follows:

439.840 1. The Health Division shall, to the extent of legislative appropriation and authorization:

- (a) Collect and maintain reports received pursuant to NRS 439.835; and
- (b) Ensure that such reports, and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access.

2. ~~[Reports]~~ *Except as otherwise provided in section 6 of this act, reports received pursuant to NRS 439.835 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.*

Sec. 107. NRS 439B.420 is hereby amended to read as follows:

439B.420 1. A hospital or related entity shall not establish a rental agreement with a physician or entity that employs physicians that requires any portion of his medical practice to be referred to the hospital or related entity.

2. The rent required of a physician or entity which employs physicians by a hospital or related entity must not be less than 75 percent of the rent for

comparable office space leased to another physician or other lessee in the building, or in a comparable building owned by the hospital or entity.

3. A hospital or related entity shall not pay any portion of the rent of a physician or entity which employs physicians within facilities not owned or operated by the hospital or related entity, unless the resulting rent is no lower than the highest rent for which the hospital or related entity rents comparable office space to other physicians.

4. A health facility shall not offer any provider of medical care any financial inducement, excluding rental agreements subject to the provisions of subsection 2 or 3, whether in the form of immediate, delayed, direct or indirect payment to induce the referral of a patient or group of patients to the health facility. This subsection does not prohibit bona fide gifts under \$100, or reasonable promotional food or entertainment.

5. The provisions of subsections 1 to 4, inclusive, do not apply to hospitals in a county whose population is less than 50,000.

6. A hospital, if acting as a billing agent for a medical practitioner performing services in the hospital, shall not add any charges to the practitioner's bill for services other than a charge related to the cost of processing the billing.

7. A hospital or related entity shall not offer any financial inducement to an officer, employee or agent of an insurer, a person acting as an insurer or self-insurer or a related entity. A person shall not accept such offers. This subsection does not prohibit bona fide gifts of under \$100 in value, or reasonable promotional food or entertainment.

8. A hospital or related entity shall not sell goods or services to a physician unless the costs for such goods and services are at least equal to the cost for which the hospital or related entity pays for the goods and services.

9. Except as otherwise provided in this subsection, a practitioner or health facility shall not refer a patient to a health facility or service in which the referring party has a financial interest unless the referring party first discloses the interest to the patient. This subsection does not apply to practitioners subject to the provisions of NRS 439B.425.

10. The Director may, at reasonable intervals, require a hospital or related entity or other party to an agreement to submit copies of operative contracts subject to the provisions of this section after notification by registered mail. The contracts must be submitted within 30 days after receipt of the notice. Contracts submitted pursuant to this subsection are confidential, except *pursuant to the provisions of section 6 of this act* and in cases in which an action is brought pursuant to subsection 11.

11. A person who willfully violates any provision of this section is liable to the State of Nevada for:

(a) A civil penalty in an amount of not more than \$5,000 per occurrence, or 100 percent of the value of the illegal transaction, whichever is greater.

(b) Any reasonable expenses incurred by the State in enforcing this section.

➔ Any money recovered pursuant to this subsection as a civil penalty must be deposited in a separate account in the State General Fund and used for projects intended to benefit the residents of this State with regard to health care. Money in the account may only be withdrawn by act of the Legislature.

12. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.

Sec. 108. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

8. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

10. If the disclosure is authorized or required by *section 6 of this act or another specific statute*.

Sec. 109. NRS 442.395 is hereby amended to read as follows:

442.395 ~~[(H)]~~ *Except as otherwise provided in section 6 of this act, if a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.*

Sec. 110. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.001 to 449.240, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the mother if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to 127.310, inclusive, governing placements for adoption and permanent free care.

6. A violation of any provision of this section is a misdemeanor.

Sec. 111. NRS 449.720 is hereby amended to read as follows:

449.720 Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

1. Receive considerate and respectful care.

2. Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

3. Refuse to participate in any medical experiments conducted at the facility.

4. Retain his privacy concerning his program of medical care. Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS ~~[,]~~ *and section 6 of this act* are confidential. The patient must consent to the presence

of any person who is not directly involved with his care during any examination, consultation or treatment.

5. Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

6. Receive continuous care from the facility or home. The patient must be informed:

(a) Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

(b) By his physician or an authorized representative of the physician, of his need for continuing care.

Sec. 112. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section ~~and~~ *and section 6 of this act*, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

5. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 113. NRS 453.720 is hereby amended to read as follows:

453.720 Unless otherwise requested by a narcotic addict being treated, or a person who in the past was treated, under NRS 453.660, *and except as otherwise provided in section 6 of this act*, all information in possession of the Health Division of the Department, any rehabilitation clinic or any certified hospital concerning such person is confidential and privileged.

Sec. 114. NRS 453A.610 is hereby amended to read as follows:

453A.610 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, the University of Nevada School of Medicine shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written materials that the School of Medicine creates or receives pursuant to the research program described in NRS 453A.600; or

(b) The name or any other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600.

➔ ~~[The]~~ *Except as otherwise provided in section 6 of this act*, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the School of Medicine may release the name and other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600 to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

Sec. 115. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section , ~~[and]~~ subsection 4 of NRS 453A.210 ~~[,]~~ *and section 6 of this act*, the Department and any designee of the Department shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Department or its designee creates or receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Department or its designee has issued a registry identification card.

→ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.*

2. Notwithstanding the provisions of subsection 1, the Department or its designee may release the name and other identifying information of a person to whom the Department or its designee has issued a registry identification card to:

(a) Authorized employees of the Department or its designee as necessary to perform official duties of the Department; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250.

Sec. 116. NRS 459.050 is hereby amended to read as follows:

459.050 1. Any authorized representative of the Health Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of NRS 459.010 to 459.290, inclusive, or of the rules and regulations promulgated under NRS 459.010 to 459.290, inclusive, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection, or any information concerning trade secrets or secret industrial processes obtained under NRS 459.010 to 459.290, inclusive, shall not be disclosed or opened to public inspection except *as otherwise provided in section 6 of this act or as may be necessary for the performance of the functions of the State Board of Health.*

Sec. 117. NRS 459.555 is hereby amended to read as follows:

459.555 1. Except as otherwise provided in this section, information which the Department obtains in the course of the performance of its duties relating to hazardous waste is public information.

2. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any information which specifically relates to the trade secrets of any person, including any processes, operations, style of work or apparatus, is confidential whenever it is established to the satisfaction of the Director that the information is entitled to protection as a trade secret. In determining whether the information is entitled to protection, the Director shall consider, among other things, whether the disclosure of that information would tend to affect adversely the competitive position of the information's owner.*

3. Any information which is confidential under subsection 2 may be disclosed to any officer, employee or authorized representative of this State or the United States if:

(a) He is engaged in carrying out the provisions of NRS 459.400 to 459.600, inclusive, or the provisions of federal law relating to hazardous waste; or

(b) The information is relevant in any judicial proceeding or adversary administrative proceeding under NRS 459.400 to 459.600, inclusive, or under the provisions of federal law relating to hazardous waste, and is admissible under the rules of evidence.

4. The Commission shall adopt regulations concerning the availability of information which satisfy the criteria established by the Federal Government for delegation to the state of federal programs concerning the management of, and the enforcement of laws relating to, hazardous waste.

Sec. 118. NRS 459.7056 is hereby amended to read as follows:

459.7056 1. Except as otherwise provided in subsection 2 *or section 6 of this act* or required by federal law, the following information is confidential when provided to the Department on a uniform application:

(a) Any information regarding the ownership of a motor carrier.

(b) Any information regarding a parent company, affiliate or subsidiary of a motor carrier.

(c) Any information regarding the financial balance sheet and statement of income of a motor carrier.

(d) Any information regarding the liability of a motor carrier for any debts.

(e) Any information regarding the customers of a motor carrier, including the services provided to specific customers.

2. The Department may, to the extent required for the administration of the uniform program, disclose any information described in subsection 1 to:

(a) An appropriate agency of the Federal Government or a participating state; or

(b) A national repository established to assist in the administration of the uniform program.

Sec. 119. NRS 459.846 is hereby amended to read as follows:

459.846 1. Except as otherwise provided in this section, information which the Department obtains in the course of the performance of its duties relating to storage tanks is public information.

2. ~~[Any]~~ *Except as otherwise provided in section 6 of this act*, any information which specifically relates to the trade secrets of any person is confidential. The following information shall be deemed a trade secret:

(a) Information concerning fuel additives. For the purposes of this paragraph, "fuel additives" are ingredients which are present in fuel compositions in amounts of less than 1 percent by weight, including detergents, dispersants, demulsifiers and dyes.

(b) Any other information considered to be a trade secret by the Director. A trade secret may include a formula, composition, process, method of operation, compilation of information or apparatus which is used in a person's business and gives that person an opportunity to obtain an advantage

over competitors. In determining whether information is a trade secret, the Director shall consider whether the information is publicly available in written form and, if not, whether its disclosure would tend to affect adversely the competitive position of the owner of the information.

3. Any information which is confidential under subsection 2 may be disclosed to any officer, employee or authorized representative of this State or the United States if:

(a) He is engaged in carrying out the provisions of NRS 459.800 to 459.856, inclusive, or the provisions of federal law relating to storage tanks; or

(b) The information is relevant in any judicial proceeding or adversary administrative proceeding under NRS 459.800 to 459.856, inclusive, or under the provisions of federal law relating to storage tanks, and is admissible under the rules of evidence.

➔ The disclosure must be made in a manner which preserves the status of the information as a trade secret.

Sec. 120. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 481.063 and 485.316 ~~and~~ *and section 6 of this act*, all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.

Sec. 121. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The

Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. ~~[Information]~~ *Except as otherwise provided in section 6 of this act, information* pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 122. NRS 483.363 is hereby amended to read as follows:

483.363 1. A person who is 18 years of age or older may file with the Department a report requesting that the Department examine a licensee who:

(a) Is related to the person filing the report within the third degree of consanguinity or who is the spouse of the person filing the report; and

(b) The person filing the report reasonably and in good faith believes cannot safely operate a motor vehicle.

2. The report described in subsection 1 must:

(a) Include the name, relationship, address, telephone number and signature of the person filing the report.

(b) State the person's basis for believing that the licensee cannot safely operate a motor vehicle, which basis must be:

(1) Personal observation or physical evidence of a physical or medical condition that has the potential to impair the ability of the licensee to operate a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle;

(2) Personal knowledge that the driving record of the licensee indicates the unsafe operation of a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle; or

(3) An investigation by a law enforcement officer.

(c) Be kept confidential, *except as otherwise provided in section 6 of this act* and except that the report must be released upon request of the licensee or an order of a court of competent jurisdiction.

➤ No person may file more than one report concerning the same licensee within a 12-month period.

3. The Director shall prescribe:

(a) A standard form to be used for the filing of a report pursuant to this section; and

(b) The procedure to be used for the filing of a report pursuant to this section.

Sec. 123. NRS 483.800 is hereby amended to read as follows:

483.800 1. The following sources shall submit, within 30 days after learning such information, to the Department the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the Department, of persons who are blind or night-blind or whose vision is severely impaired and shall designate whether the person is blind, night-blind or has severely impaired vision:

(a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

(b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 or 422A of NRS, or services to blind persons pursuant to NRS 426.518 to 426.610, inclusive, is guilty of a misdemeanor.*

Sec. 124. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Transportation Services Authority need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, *except as otherwise provided in section 6 of this act and* except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.

6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 125. NRS 485.316 is hereby amended to read as follows:

485.316 1. Except as otherwise provided in subsections 2 and 3 ~~[.]~~ *and section 6 of this act*, information which is maintained in the database created pursuant to NRS 485.313 is confidential.

2. The Department may only disclose information which is maintained in the database, upon request, to a state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation.

3. The Department may only disclose information retrieved from the database to:

- (a) A person who requests information regarding his own status;
- (b) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;
- (c) A person who has a power of attorney from the person about whom the information is requested;
- (d) A person who submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request; or
- (e) A person who has suffered a loss or injury in an accident involving a motor vehicle, or his authorized insurer or a representative of his authorized insurer, who requests:

- (1) Information for use in the accident report; and
- (2) For each motor vehicle involved in the accident:
 - (I) The name and address of each registered owner;
 - (II) The name of the insurer; ~~and~~

(III) The number of the policy of liability insurance.

4. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.

Sec. 126. NRS 561.285 is hereby amended to read as follows:

561.285 1. Except as otherwise provided in subsection 2, the Department may collect and disseminate, throughout the State, information calculated to educate and benefit the general public and the livestock and agricultural industries of the State of Nevada, and information pertaining to any program administered by the Department.

2. Except as otherwise provided in NRS 571.160 ~~[,]~~ *and section 6 of this act*, all proprietary information concerning:

- (a) Numbers of animals;
- (b) The quantity of production;
- (c) Fiscal or tax matters; or
- (d) The security of any facility,

↳ which specifically relates to a natural person, company, corporation or other nonpublic entity, and which is collected by the Department pursuant to the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS, is confidential.

Sec. 127. NRS 571.160 is hereby amended to read as follows:

571.160 If any animal becomes infected with any infectious, contagious or parasitic disease as defined by rules and regulations adopted by the State Quarantine Officer, the owner or agent in charge of the infected animal, or any inspector of the Department or any practicing veterinarian who has knowledge of the infected animal, shall immediately notify the State Quarantine Officer. ~~[A]~~ *Except as otherwise provided in section 6 of this act*, a notification of disease received pursuant to this section must be kept confidential unless:

1. The reported disease is specifically regulated pursuant to NRS 571.130 for mandatory control and eradication to protect the public health, other animals or wildlife; or

2. The State Quarantine Officer determines that a public health emergency exists.

Sec. 128. NRS 584.583 is hereby amended to read as follows:

584.583 1. No distributor or retailer may sell fluid milk, fluid cream, butter or any fresh dairy product below cost.

2. In determining the cost for a distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product, the following factors, in addition to any other factor acceptable to the Commission, must be considered:

(a) Cost of raw products based on actual cost or on current and prospective supplies of fluid milk and fluid cream in relation to current and prospective demands for fluid milk and fluid cream.

(b) Cost of production.

(c) Reasonable return on capital investment.

(d) Producer's costs for transportation.

(e) Cost of compliance with health regulations.

(f) Overhead.

3. In determining the cost for a peddler-distributor or retailer, the following factors, in addition to any other factor acceptable to the Commission, must be considered:

(a) Purchase price of the product.

(b) Overhead for handling.

(c) Reasonable return on capital investment.

4. For the purposes of subsections 2 and 3:

(a) Reasonable return on capital investment must be calculated per unit of production by dividing the product of:

(1) The net capital investment; and

(2) The reasonable rate of return on capital investment,

→ by the total sales per unit of production. "Net capital investment" includes land, buildings, equipment and any other capital asset used as a rate base. A reasonable rate of return on capital investment shall be deemed to be the rate fixed for 6-month United States treasury bills at the auction in the first week of the month of January or July immediately preceding the date that the reasonable return on capital investment is calculated.

(b) Costs for overhead must be determined according to generally accepted principles of accounting and allocated proportionately to each unit of production. Costs for overhead include salaries for executives and officers of the company, all other costs of labor, including indirect costs, rent, depreciation, costs for maintenance, costs incurred in delivering the product, fees for licenses, taxes and insurance, cost of materials, costs for repairs, the cost of electricity and other public utilities, and all other costs that relate to the sale and distribution of the product. Any expense incurred in the marketing of a finished or manufactured dairy product which cannot be attributed directly to a particular product must be apportioned to the product on a basis consistent with generally accepted principles of accounting relating to costs.

5. Each distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product and each peddler-distributor shall file with the Commission a statement of costs, listing separately, and as applicable, the items set forth in subsection 2 or 3 of this section and any other applicable factors relating to cost. The statements must be kept current as prescribed by regulations adopted by the Commission. All statements must be kept confidential by the Commission *except as otherwise provided in*

section 6 of this act and except when used in judicial or administrative proceedings pursuant to NRS 584.325 to 584.670, inclusive.

6. Each distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product and each peddler-distributor shall file with the Commission lists of wholesale prices and of minimum retail, distributor and dock prices. No distributor may sell at wholesale prices other than, or at retail, distributor or dock prices less than, those contained in the appropriate list, except in the case of bids to departments or agencies of federal, state and local governments. In no case may the distributor sell or offer to sell below cost.

Sec. 129. NRS 584.5835 is hereby amended to read as follows:

584.5835 1. A distributor shall not sell a substitute dairy product, as defined in NRS 584.176, below its cost to him.

2. A distributor who sells or distributes a substitute dairy product shall file with the Commission a statement of the cost of the substitute dairy product to him. The statement must be supplemented periodically as required by regulations adopted by the Commission. The Commission shall keep all statements confidential *except as otherwise provided in section 6 of this act and except when used in a judicial proceeding or an administrative proceeding relating to the provisions of this chapter.*

Sec. 130. NRS 584.655 is hereby amended to read as follows:

584.655 Any record or report made to the Commission pursuant to the provisions of NRS 584.650 shall be confidential and shall not be divulged *except as otherwise provided in section 6 of this act and except when necessary for the proper determination of any court proceedings or hearing before the Commission.*

Sec. 131. NRS 598.0979 is hereby amended to read as follows:

598.0979 1. Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, when the Commissioner or Director has cause to believe that a person has engaged or is engaging in any deceptive trade practice, knowingly or otherwise, he may request in writing that the Attorney General represent him in instituting an appropriate legal proceeding, including, without limitation, an application for an injunction or temporary restraining order prohibiting the person from continuing the practices. The court may make orders or judgments necessary to prevent the use by the person of any such deceptive trade practice or to restore to any other person any money or property which may have been acquired by the deceptive trade practice.

2. Where the Commissioner or Director has the authority to institute a civil action or other proceeding, in lieu thereof or as a part thereof, he may accept an assurance of discontinuance of any deceptive trade practice. This assurance may include a stipulation for the payment by the alleged violator of:

(a) The costs of investigation and the costs of instituting the action or proceeding;

(b) Any amount of money which he may be required to pay pursuant to the provisions of NRS 598.0971 in lieu of any administrative fine; and

(c) The restitution of any money or property acquired by any deceptive trade practice.

➔ Except as otherwise provided in this subsection ~~[,]~~ *and section 6 of this act*, any assurance of discontinuance accepted by the Commissioner or Director and any stipulation filed with the court is confidential to the parties to the action or proceeding and to the court and its employees. Upon final judgment by the court that an injunction or a temporary restraining order, issued as provided in subsection 1, ~~[of this section,]~~ has been violated, an assurance of discontinuance has been violated or a person has engaged in the same deceptive trade practice as had previously been enjoined, the assurance of discontinuance or stipulation becomes a public record. Proof by a preponderance of the evidence of a violation of an assurance constitutes prima facie evidence of a deceptive trade practice for the purpose of any civil action or proceeding brought thereafter by the Commissioner or Director, whether a new action or a subsequent motion or petition in any pending action or proceeding.

Sec. 132. NRS 598A.110 is hereby amended to read as follows:

598A.110 Any procedure, testimony taken, document or other tangible evidence produced, or answer made under NRS 598A.100 shall be kept confidential by the Attorney General prior to the institution of an action brought under this chapter for the alleged violation of the provisions of this chapter under investigation, unless:

1. Confidentiality is waived by the person upon whom the written investigative demand is made ~~[,]~~ *or pursuant to section 6 of this act*;
2. Disclosure is authorized by the district court; or
3. Disclosure is made pursuant to NRS 598A.080.

Sec. 133. NRS 599B.090 is hereby amended to read as follows:

599B.090 1. An applicant for registration as a seller must submit to the Division, in such form as it prescribes, a written application for registration. The application must:

- (a) Set forth the name of the applicant, including each name under which he intends to do business;
- (b) Set forth the name of any parent or affiliated entity that:
 - (1) Will engage in a business or other transaction with the consumer relating to any sale or donation solicited by the applicant; or
 - (2) Accepts responsibility for any statement or act of the applicant relating to any sale or donation solicited by the applicant;
- (c) Set forth the complete street address of each location, designating the principal location, from which the applicant will be doing business;
- (d) Contain a list of all telephone numbers to be used by the applicant, with the address where each telephone using these numbers will be located;
- (e) Set forth the name and address of each:

(1) Principal officer, director, trustee, shareholder, owner or partner of the applicant, and of each other person responsible for the management of the business of the applicant;

(2) Person responsible for a location from which the applicant will do business; and

(3) Salesman to be employed by or otherwise associated with the applicant;

(f) Be accompanied by a copy of any:

(1) Script, outline or presentation the applicant will require a salesman to use when soliciting or, if no such document is used, a statement to that effect;

(2) Sales or donation information or literature to be provided by the applicant to a salesman, or of which the applicant will inform the salesman; and

(3) Sales or donation information or literature to be provided by the applicant to a consumer in connection with any solicitation;

(g) If the applicant is a corporation, be signed by an officer of the corporation; and

(h) If the applicant is a natural person, be completed personally by the applicant.

2. Any material submitted pursuant to paragraph (f) of subsection 1 is submitted for the records of the Division and not for the approval of the Division.

3. The information provided pursuant to paragraph (f) of subsection 1 by an applicant for registration as a seller is confidential and may only be released to a law enforcement agency, to a court of competent jurisdiction, ~~for~~ by order of a court of competent jurisdiction ~~[-]~~ *or pursuant to section 6 of this act.*

4. If the applicant is other than a natural person, or if any parent or affiliated entity is identified pursuant to paragraph (b) of subsection 1, the applicant must, for itself and any such entity, identify its place of organization and:

(a) In the case of a partnership, provide a copy of any written partnership agreement; or

(b) In the case of a corporation, provide a copy of its articles of incorporation and bylaws.

5. An application filed pursuant to this section must be verified and accompanied by:

(a) A bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100;

(b) A fee for registration in the amount of \$6,000;

(c) If subsection 6 applies, the additional bond, letter of credit or certificate of deposit and the additional fee required by that subsection; and

(d) A copy of:

(1) The work card issued to the seller pursuant to subsection 1 of NRS 599B.115, if the seller is required to obtain a work card; and

(2) The work cards of any other persons associated with the seller who are required to obtain work cards pursuant to subsection 2 of NRS 599B.115.

6. If an applicant intends to do business under any assumed or fictitious name, he must, for each such name:

(a) File an additional bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100; and

(b) Pay an additional fee for registration in the amount of \$6,000.

Sec. 134. NRS 603.070 is hereby amended to read as follows:

603.070 ~~[A]~~ *Except as otherwise provided in section 6 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. 135. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section ~~[7]~~ *and section 6 of this act*, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the Division, to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➤ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that he furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. He may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under chapter 612 of NRS and under chapters 616A to 616D, inclusive, or 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 136. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and ~~in~~ NRS 616B.015, 616B.021 and 616C.205 ~~and~~ *and section 6 of this act*, information obtained from any insurer, employer or employee is confidential

and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or his legal representative is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

- (a) Lists containing the names and addresses of employers; and
- (b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,
 ➔ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 137. NRS 616B.015 is hereby amended to read as follows:

616B.015 1. Except as otherwise provided in subsection 2 ~~[7]~~ *and section 6 of this act*, the records and files of the Division concerning self-insured employers and associations of self-insured public or private employers are confidential and may be revealed in whole or in part only in the course of the administration of the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS relating to those employers or upon the lawful order of a court of competent jurisdiction.

2. The records and files specified in subsection 1 are not confidential in the following cases:

- (a) Testimony by an officer or agent of the Division and the production of records and files on behalf of the Division in any action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if that testimony or the records and files, or the facts shown thereby, are involved in the action or proceeding.

- (b) Delivery to a self-insured employer or an association of self-insured public or private employers of a copy of any document filed by the employer with the Division pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

- (c) Publication of statistics if classified so as to prevent:

- (1) Identification of a particular employer or document; or

(2) Disclosure of the financial or business condition of a particular employer or insurer.

(d) Disclosure in confidence, without further distribution or disclosure to any other person, to:

(1) The Governor or his agent in the exercise of the Governor's general supervisory powers;

(2) Any person authorized to audit the accounts of the Division in pursuance of an audit;

(3) The Attorney General or other legal representative of the State in connection with an action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(4) Any agency of this or any other state charged with the administration or enforcement of the laws relating to workers' compensation or unemployment compensation; or

(5) Any federal, state or local law enforcement agency.

(e) Disclosure in confidence by a person who receives information pursuant to paragraph (d) to a person in furtherance of the administration or enforcement of the laws relating to workers' compensation or unemployment compensation.

3. As used in this section:

(a) "Division" means the Division of Insurance of the Department of Business and Industry.

(b) "Records and files" means:

(1) All credit reports, references, investigative records, financial information and data pertaining to the net worth of a self-insured employer or association of self-insured public or private employers; and

(2) All information and data required by the Division to be furnished to it pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or which may be otherwise obtained relative to the finances, earnings, revenue, trade secrets or the financial condition of any self-insured employer or association of self-insured public or private employers.

Sec. 138. NRS 616B.315 is hereby amended to read as follows:

616B.315 A self-insured employer shall notify the Commissioner not less than 60 days before any change in ownership or control of the employer. The certification of the self-insured employer terminates automatically on the date of the change unless the Commissioner extends the certification. Except as otherwise provided in NRS 616B.015, the Commissioner, upon request, may declare as confidential any documents which are submitted in support of a request for such an extension. *Documents declared confidential pursuant to this section are subject to the provisions of section 6 of this act.*

Sec. 139. NRS 616B.350 is hereby amended to read as follows:

616B.350 1. A group of five or more employers may not act as an association of self-insured public employers unless the group:

(a) Is composed of employers engaged in the same or similar classifications of employment; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

2. A group of five or more employers may not act as an association of self-insured private employers unless each member of the group:

(a) Is a member or associate member of a bona fide trade association, as determined by the Commissioner, which:

(1) Is incorporated in this State; and

(2) Has been in existence for at least 5 years; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

3. An association of public or private employers that wishes to be issued a certificate must file with the Commissioner an application for certification.

4. The application must include:

(a) The name of the association.

(b) The address of:

(1) The principal office of the association.

(2) The location where the books and records of the association will be maintained.

(c) The date the association was organized.

(d) The name and address of each member of the association.

(e) The names of the initial members of the board of trustees and the name of the initial association's administrator.

(f) Such other information as the Commissioner may require.

5. The application must be accompanied by:

(a) A nonrefundable filing fee of \$1,000.

(b) Proof of compliance with NRS 616B.353.

(c) Proof that the association or its third-party administrator is licensed or otherwise authorized to conduct business in this State pursuant to title 57 of NRS.

(d) A copy of the agreements entered into with the association's administrator and a third-party administrator.

(e) A copy of the bylaws of the association.

(f) A copy of an agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(g) A pro forma financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles that shows the financial ability of the association to pay all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(h) A reviewed financial statement prepared by an independent certified public accountant for each proposed member of the association or evidence of the ability of the association or its proposed members to provide a solvency bond pursuant to subsection 3 of NRS 616B.353.

(i) Proof that each member of the association will make the initial payment to the association required pursuant to NRS 616B.416 on a date

specified by the Commissioner. The payment shall be deemed to be a part of the assessment required to be paid by each member for the first year of self-insurance if certification is issued to the association.

6. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any financial information relating to a member of an association received by the Commissioner pursuant to the provisions of this section is confidential and must not be disclosed.*

7. For the purposes of this section, "associate member of a bona fide trade association" means a supplier whose business, as determined by the Commissioner:

- (a) Is limited to a specific industry; and
- (b) Primarily involves providing a product or service that is directly used or consumed by substantially all of the members of the trade association or bears a direct relationship to the business of the members of the association.

Sec. 140. NRS 618.341 is hereby amended to read as follows:

618.341 1. Except as otherwise provided in this section, the public may inspect all records of the Division which contain information regarding:

- (a) An oral or written complaint filed by an employee or a representative of employees alleging the existence of an imminent danger or a violation of a safety or health standard that threatens physical harm;
- (b) The manner in which the Division acted on any such complaint;
- (c) Any citation issued by the Division to an employer and the reason for its issuance; and
- (d) Any penalty imposed by the Division on an employer and the reason therefor.

2. The Division shall, upon oral or written request and payment of any applicable charges, provide to any person a copy of any record of the Division which is open to public inspection pursuant to subsection 1. The first six pages reproduced pursuant to each such request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

3. Except as otherwise provided in subsection 4 ~~[,]~~ *and section 6 of this act*, the Division shall keep confidential:

- (a) The name of any employee who filed any complaint against an employer or who made any statement to the Division concerning an employer; and
- (b) Any information which is part of a current investigation by the Division, but the fact that an investigation is being conducted is public information.

➤ As used in this subsection, "current investigation" means any investigation conducted before the issuance of a citation or notice of violation or, if no citation or notice of violation is issued, an investigation which is not closed.

4. The Division shall, upon the receipt of a written request from a law enforcement agency, disclose otherwise confidential information to that law

enforcement agency for the limited purpose of pursuing a criminal investigation.

Sec. 141. NRS 618.425 is hereby amended to read as follows:

618.425 1. Any employee, representative of employees, provider of health care or governmental officer or employee whose primary duty is to ensure public safety, including a building inspector, building official or other similar authority, believing that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an investigation by giving notice, orally or in writing, to the Administrator or his representative of the violation or danger.

2. The person giving the notice must state with reasonable particularity the grounds for the notice. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the name of any employee giving a complaint notice or names of employees mentioned in the complaint must be held confidential. If the complaint is given orally, the Division shall send to the complainant a form upon which he may supplement his oral complaint. His failure to return the form does not affect the Division's duty to act pursuant to this section.*

3. If upon receipt of the notification the Division determines that there are reasonable grounds to believe that a violation or imminent danger exists, it shall make a special investigation within 14 days unless there is a substantial probability that death or serious physical harm could result from the violation or danger, then the investigation must be made immediately after the Administrator receives the notice to determine whether a violation or imminent danger exists. The Division need not investigate a complaint within the times required by this subsection if, from the facts stated in the complaint, the Administrator determines that the complaint is intended solely to harass the employer. If the Division determines that there are no reasonable grounds to believe that a violation or imminent danger exists, it shall notify the employees or other person who gave the notice of such determination within 14 days after the Administrator receives the notice.

Sec. 142. NRS 623.131 is hereby amended to read as follows:

623.131 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act, the records of the Board which relate to an employee of the Board or an examination given by the Board are confidential.*

2. The records described in this section may be disclosed, pursuant to procedures established by regulation of the Board, to a court or an agency of the Federal Government, any state, any political subdivision of this State or any other related professional board or organization.

3. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The Board may report to other related professional boards and organizations an applicant's score on an examination given by the Board.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 143. NRS 623A.353 is hereby amended to read as follows:

623A.353 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a record of the Board that relates to an employee of the Board or an examination administered by the Board is confidential.

2. The records described in this section may be disclosed, pursuant to procedures established by regulation of the Board, to:

- (a) A court;
- (b) An agency of the Federal Government;
- (c) Another state;
- (d) A political subdivision of this State; or
- (e) Any other related professional board or organization.

3. The Board may report to any other related professional board and organization the score of an applicant on an examination administered by the Board.

4. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 144. NRS 624.110 is hereby amended to read as follows:

624.110 1. The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, but it shall maintain one office in which there must be at all times open to public

inspection a complete record of applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.

2. Except as otherwise required in NRS 624.327 ~~[,]~~ *and section 6 of this act*, credit reports, references, financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.

Sec. 145. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor and each officer, director, partner and associate thereof must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, or any officer, director, partner or associate thereof, has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of nolo contendere or guilty to, been found guilty of or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, and any officer, director, partner or associate of the applicant, must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of his fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. ~~[The]~~ *Except as otherwise provided in section 6 of this act*, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty pleas;

(c) Sentencing;

- (d) Probation;
 - (e) Parole;
 - (f) Bail;
 - (g) Complaints; and
 - (h) Final dispositions,
- ↪ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 146. NRS 624.327 is hereby amended to read as follows:

624.327 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 147. NRS 625.425 is hereby amended to read as follows:

625.425 1. ~~[Any]~~ *Except as otherwise provided in section 6 of this act*, any information obtained during the course of an investigation by the Board and any record of an investigation is confidential. If no disciplinary action is taken against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590, the information in his investigative file remains confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board or its employees from communicating and cooperating with another licensing board or any other agency that is investigating a person.

Sec. 148. NRS 625A.185 is hereby amended to read as follows:

625A.185 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 149. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 150. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:

(a) Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

(1) At a medical facility as that term is defined in NRS 449.0151; or

(2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. ~~[A.]~~ *Except as otherwise provided in section 6 of this act*, a report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

5. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

6. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a

combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 151. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the following may be kept confidential:*

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. This section does not prevent or prohibit the Board from communicating or cooperating with any other licensing board or agency or

any agency which is investigating a licensee, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 152. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section ~~[7]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 153. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section ~~[7]~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board may provide any record or information described in subsection 1 to any other licensing board or agency or any agency which is investigating a person licensed pursuant to this chapter, including a law enforcement agency.

Sec. 154. NRS 632.125 is hereby amended to read as follows:

632.125 1. Each hospital or agency in the State employing professional or practical nurses or nursing assistants shall submit a list of such nursing personnel to the Board at least three times annually as directed by the Board. ~~[Each]~~ *Except as otherwise provided in section 6 of this act*, each list submitted to the Board pursuant to this subsection is confidential.

2. A medical facility shall, before hiring a nursing assistant or nursing assistant trainee, obtain validation from the Board that the prospective employee has a current certificate, is enrolled in a training program required for certification or is awaiting the results of a certification examination.

Sec. 155. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. This section does not prevent or prohibit the Board from communicating or cooperating with another licensing Board or any agency that is investigating a licensee, including a law enforcement agency.

Sec. 156. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician licensed under this chapter.

2. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 157. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:

(a) Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

- (1) At a medical facility as that term is defined in NRS 449.0151; or
- (2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

- (a) Collect and maintain reports received pursuant to subsection 1; and
- (b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. ~~[A]~~ *Except as otherwise provided in section 6 of this act*, a report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

5. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

6. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 158. NRS 634.212 is hereby amended to read as follows:

634.212 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in NRS 634.214, the records must be open to public inspection at all reasonable times and must contain the name, known place of business and residence, and the date and number of the license of every chiropractor licensed under this chapter. The Board may keep such other records as it deems desirable.

2. Except as otherwise provided in this subsection ~~[,]~~ *and section 6 of this act*, all information pertaining to the personal background, medical

history or financial affairs of an applicant or licensee which the Board requires to be furnished to it under this chapter, or which it otherwise obtains, is confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or upon the order of a court of competent jurisdiction. The Board may, under procedures established by regulation, permit the disclosure of this information to any agent of the Federal Government, of another state or of any political subdivision of this State who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the applicant or licensee who is the subject of that information.

Sec. 159. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed pursuant to the provisions of this chapter.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 160. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 161. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section [] and *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 162. NRS 636.107 is hereby amended to read as follows:

636.107 1. Except as otherwise provided in this section [] and *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 163. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section [] and *section 6 of this act*, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section [] and *section 6 of this act*, a complaint filed with the Board, all documents and other information

filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 164. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 165. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other

information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 166. NRS 638.087 is hereby amended to read as follows:

638.087 1. The Board shall keep a record of:

- (a) All charges filed against a licensee;
- (b) The proceedings of any formal hearing conducted by the Board or a hearing officer;
- (c) Any order filed by the Board; and
- (d) All licenses issued by the Board including the name of the holder of the license, his business address, the date the license was issued and the number of the license.

2. Except as otherwise provided in this section, the records of the Board listed in subsection 1 must be open to the public at reasonable times and places.

3. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 167. NRS 638.089 is hereby amended to read as follows:

638.089 1. Except as provided in this section ~~and~~ *and section 6 of this act*, all information received by the Board concerning an applicant for a license or a licensee, including the results of an investigation, is confidential.

2. If the Board takes disciplinary action against an applicant or licensee, the complaint and the action taken are no longer required to be confidential.

3. If the Board conducts any proceeding other than a disciplinary action regarding an applicant or licensee, its statement of findings and any order issued relating thereto are no longer required to be confidential.

4. Information concerning an applicant or a licensee may be disclosed, pursuant to procedures established by regulation of the Board, to a court or an agency of the Federal Government, any state or any political subdivision of this State. Notice of the disclosure and the contents of the information

must be given to the applicant or licensee within 3 business days before the disclosure.

Sec. 168. NRS 639.2485 is hereby amended to read as follows:

639.2485 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of NRS 453.391 or 454.311.

4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.

Sec. 169. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 170. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine

whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 171. NRS 640B.730 is hereby amended to read as follows:

640B.730 1. Except as otherwise provided in this section ~~and~~ *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 172. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that he has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

3. If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

- (a) Approved by the Commission on Postsecondary Education; or
- (b) Offered by a public college in this State or any other state.

➤ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

- (1) The reputation and character of the applicant;
- (2) The existence and contents of any record of arrests or convictions of the applicant;
- (3) The existence and nature of any pending litigation involving the applicant that would affect his suitability for licensure; and
- (4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) ~~[Maintain]~~ *Except as otherwise provided in section 6 of this act, maintain* the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 173. NRS 640C.760 is hereby amended to read as follows:

640C.760 1. Except as otherwise provided in this section ~~[and]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 174. NRS 641.090 is hereby amended to read as follows:

641.090 1. The Secretary-Treasurer shall make and keep on behalf of the Board:

- (a) A record of all its meetings and proceedings.
- (b) A record of all violations and prosecutions under the provisions of this chapter.
- (c) A record of all examinations of applicants.
- (d) A register of all licenses.
- (e) A register of all holders of licenses.
- (f) An inventory of the property of the Board and of the State in the Board's possession.

2. These records must be kept in the office of the Board and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* Board may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section ~~[and]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled

as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 175. NRS 641A.191 is hereby amended to read as follows:

641A.191 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. This section does not prohibit the Board from communicating or cooperating with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement agency.

Sec. 176. NRS 641B.170 is hereby amended to read as follows:

641B.170 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, any records or information received by the Board relating to a licensee or an applicant for a license ~~[is]~~ *are* confidential.

2. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 177. NRS 641C.760 is hereby amended to read as follows:

641C.760 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 178. NRS 642.524 is hereby amended to read as follows:

642.524 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 179. NRS 643.189 is hereby amended to read as follows:

643.189 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 180. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 181. NRS 645.625 is hereby amended to read as follows:

645.625 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. A complaint or other document filed with the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 182. NRS 645A.082 is hereby amended to read as follows:

645A.082 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 183. NRS 645B.092 is hereby amended to read as follows:

645B.092 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 184. NRS 645C.220 is hereby amended to read as follows:

645C.220 1. The Division shall maintain a record of:

(a) Persons whose applications for a certificate, license or registration card have been denied;

(b) Investigations conducted by it which result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645C.225, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Commission. ~~[The]~~ *Except as otherwise provided in section 6 of this act*, the Division may keep confidential, unless otherwise ordered by a court:

(a) Examinations for a certificate or license; and

(b) The criminal and financial records of an appraiser or intern, or an applicant for a certificate, license or registration card.

Sec. 185. NRS 645C.225 is hereby amended to read as follows:

645C.225 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, a complaint filed with the Commission, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 186. NRS 645D.130 is hereby amended to read as follows:

645D.130 1. The Division shall maintain a record of:

(a) Persons from whom it receives applications for a certificate;

(b) Investigations conducted by it that result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645D.135, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. The Division shall keep confidential, *except as otherwise provided in section 6 of this act* or unless otherwise ordered by a court, the criminal and financial records of an inspector or of an applicant for a certificate.

Sec. 187. NRS 645D.135 is hereby amended to read as follows:

645D.135 1. Except as otherwise provided in this section ~~[]~~ and *section 6 of this act*, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 188. NRS 645E.375 is hereby amended to read as follows:

645E.375 1. Except as otherwise provided in this section ~~[]~~ and *section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 189. NRS 648.033 is hereby amended to read as follows:

648.033 1. The Board shall maintain a public record of:

- (a) The business it transacts at its regular and special meetings; and
- (b) The applications received by it together with the record of the disposition of each application.

2. ~~[Information]~~ *Except as otherwise provided in section 6 of this act*, information obtained by the Board from other than public sources concerning the:

- (a) Financial condition; or
- (b) Criminal record,

↪ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.

3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.

4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in

subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.

5. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

6. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 190. NRS 649.067 is hereby amended to read as follows:

649.067 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 191. NRS 652.228 is hereby amended to read as follows:

652.228 1. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 192. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure

that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person licensed as a nursing facility administrator or an administrator of a residential facility for groups has failed to comply with the requirements of the standards. The Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint.

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,
 ➔ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section ~~[]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and

information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 193. NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section ~~[.]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 194. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee or other person has violated any of the provisions of this chapter or whether any licensee has conducted himself in a manner which requires the suspension, revocation or denial of renewal of his license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by him, may require the attendance and testimony of any person and compel the production of all relevant books, records, accounts and other documents. The cost of any examination or investigation, not to exceed \$10 an hour, must be borne by the licensee.

3. The Commissioner may require any licensee to submit such reports concerning his business as the Commissioner deems necessary for the enforcement of this chapter.

4. ~~[All]~~ *Except as otherwise provided in section 6 of this act*, all reports of investigations and examinations and other reports rendered pursuant to this section, and all correspondence and memoranda relating to or arising therefrom, including any authenticated copies thereof in the possession of any licensee or the Commissioner, ~~are~~ confidential communications, are not

subject to any subpoena, and must not be made public unless the Commissioner determines that justice and the public advantage will be served by their publication. This subsection does not preclude any party to an administrative or judicial proceeding from introducing into evidence any information or document otherwise available or admissible.

Sec. 195. NRS 673.430 is hereby amended to read as follows:

673.430 1. Each association doing business in this State shall file annually with the Commissioner on or before March 1, a sworn statement in two sections.

2. One section of the annual report must contain, in such form and detail as the Commissioner may prescribe, the following:

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

↪ This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.

3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and ~~must~~, *except as otherwise provided in section 6 of this act, must* be treated as confidential by the Commissioner.

4. The Commissioner may impose and collect a fee of not more than \$10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection. Every association shall pay to the Commissioner for supervision and examination a fee based on the rate established pursuant to NRS 658.101.

5. All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 196. NRS 679B.152 is hereby amended to read as follows:

679B.152 1. Every insurer or organization for dental care which pays claims on the basis of fees for medical or dental care which are "usual and customary" shall submit to the Commissioner a complete description of the method it uses to determine those fees. ~~[This]~~ *Except as otherwise provided in section 6 of this act, this* information must be kept confidential by the Commissioner. The fees determined by the insurer or organization to be the usual and customary fees for that care are subject to the approval of the Commissioner as being the usual and customary fees in that locality. The provisions of this subsection apply to medical or dental care provided to a claimant under any contract of insurance.

2. Any contract for group, blanket or individual health insurance and any contract issued by a nonprofit hospital, medical or dental service corporation or organization for dental care, which provides a plan for dental care to its insureds or members which limits their choice of a dentist, under the plan to those in a preselected group, must offer its insureds or members the option of selecting a plan of benefits which does not restrict the choice of a dentist. The selection of that option does not entitle the insured or member to any increase in contributions by his employer or other organization toward the premium or cost of the optional plan over that contributed under the restricted plan.

Sec. 197. NRS 679B.159 is hereby amended to read as follows:

679B.159 1. Every insurer, agent, solicitor, broker, administrator or other person who has knowledge of a violation of any provision of this Code shall promptly report the facts and circumstances pertaining to the violation to the Commissioner.

2. ~~[[If]]~~ *Except as otherwise provided in section 6 of this act, if a person who submits information pursuant to subsection 1 so requests, the Commissioner shall keep the person's name and the information confidential.*

Sec. 198. NRS 679B.190 is hereby amended to read as follows:

679B.190 1. The Commissioner shall carefully preserve in the Division and in permanent form all papers and records relating to the business and transactions of the Division and shall hand them over to his successor in office.

2. Except as otherwise provided in subsections 3 and 5 to 9, inclusive, other provisions of this Code and NRS 616B.015, the papers and records must be open to public inspection.

3. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any records or information in the possession of the Division related to an investigation conducted by the Commissioner ~~[is]~~ are confidential unless:*

(a) The Commissioner releases, in the manner that he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm his investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the Commissioner.

4. The Commissioner may destroy unneeded or obsolete records and filings in the Division in accordance with provisions and procedures applicable in general to administrative agencies of this State.

5. The Commissioner may classify as confidential:

(a) Specified records and information obtained from a governmental agency; and

(b) Documents obtained or received from other sources upon the express condition that they remain confidential.

6. All information and documents in the possession of the Division or any of its employees which are related to cases or matters under investigation by the Commissioner or his staff are confidential for the period of the investigation and may not be made public unless the Commissioner finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.

7. The Commissioner may classify as confidential the records of a consumer or information relating to a consumer to protect the health, welfare or safety of the consumer.

8. In performing his duties, the Commissioner may:

(a) Share documents, materials or other information, including any documents, materials or information classified as confidential, with other state, federal and international regulatory or law enforcement agencies or with the National Association of Insurance Commissioners and its affiliates and subsidiaries if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials or other information.

(b) May receive documents, materials or other information, including any documents, materials or information otherwise confidential and privileged, from other state, federal and international regulatory or law enforcement agencies or from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the law of the jurisdiction from which it was received.

(c) Enter into agreements, consistent with this subsection, governing the sharing and use of information.

9. No waiver of confidentiality or privilege with respect to any document, material or information occurs as a result of disclosure to the Commissioner under this section or of sharing as authorized under this chapter.

Sec. 199. NRS 679B.285 is hereby amended to read as follows:

679B.285 1. The Commissioner may disclose the content of a report, preliminary report, or the results of an examination, or any matter relating thereto, to the Division or any agency of any other state or country that regulates insurance, or to law enforcement officers of this or any other state, or to an agency of the Federal Government at any time, if the agency or office receiving the report or matter relating thereto agrees in writing to hold it confidential in a manner consistent with this chapter. Access may also be granted to the National Association of Insurance Commissioners.

2. All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Commissioner or any other person in the course of an examination made under this chapter are confidential, are not subject to subpoena, and may not be made public by the Commissioner or any other person, except as necessary for a hearing or as provided in this section and subsection 4 of NRS 679B.282 ~~[.]~~ *and section 6 of this act*. A person to whom information is given must agree in writing before receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the insurer to which it pertains has been obtained.

Sec. 200. NRS 679B.690 is hereby amended to read as follows:

679B.690 1. ~~[All]~~ *Except as otherwise provided in section 6 of this act*, all records and other information related to an investigation conducted by the Attorney General and the Fraud Control Unit for the prosecution of insurance fraud are confidential unless:

(a) The Attorney General releases, in such manner as he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm the investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the Fraud Control Unit.

2. The Attorney General may classify as confidential specific records and other information if the records or other information was obtained from a governmental agency or other source upon the express condition that the contents would remain confidential.

3. All information and documents in the possession of the Attorney General and the Fraud Control Unit that are related to cases or matters under investigation are confidential for the duration of the investigation and may not be made public unless the Attorney General finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.

Sec. 201. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

6. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all ratios of financial analyses and synopses of examinations concerning insurers that are submitted to the Division by the National Association of Insurance Commissioners' Insurance Regulatory Information System are confidential and may not be disclosed by the Division.*

Sec. 202. NRS 681A.440 is hereby amended to read as follows:

681A.440 1. The Commissioner may refuse to issue a license to act as an intermediary if, in his judgment:

(a) The applicant, anyone named on the application, or any member, principal, officer or director of the applicant, is not trustworthy to act as an intermediary;

(b) Any controlling person of the applicant is not trustworthy to act as an intermediary;

(c) The applicant, a person named on the application, any member, principal, officer or director of the applicant or any controlling person of the applicant has given cause for the revocation or suspension of a license to act as an intermediary; or

(d) The applicant, a person named on the application, any member, principal, officer or director of the applicant or any controlling person of the applicant has failed to comply with any prerequisite for the issuance of a license to act as an intermediary.

2. Upon receipt of a written request, the Commissioner shall furnish a summary of the basis for his refusal to issue a license to act as an intermediary. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the summary is confidential.*

Sec. 203. NRS 681B.260 is hereby amended to read as follows:

681B.260 1. Except as otherwise provided in this section ~~[,]~~ *and section 6 of this act*, an opinion, and any other material provided by an insurer to the Commissioner in connection therewith, must be kept confidential by the Commissioner, is not open to the public, and is not subject to subpoena, except for the purpose of defending an action seeking damages from any person by reason of any action required by NRS 681B.200 to 681B.260, inclusive, or by regulation adopted under those sections.

2. A memorandum or other material may be released by the Commissioner with the written consent of the insurer or to the American Academy of Actuaries or its successor organization upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Commissioner for preserving the confidentiality of the memorandum or other material.

3. If any portion of a confidential memorandum is cited by the insurer in its marketing or is cited before any governmental agency other than a state commissioner of insurance or is released by an insurer to the public, all portions of the memorandum are no longer confidential.

Sec. 204. NRS 681B.280 is hereby amended to read as follows:

681B.280 Each insurer shall report to the Commissioner every material acquisition or disposition of assets within 15 days after the end of the month in which the transaction occurs. The Commissioner shall define by regulation what transactions are material, prescribe what information must be reported and specify any person to whom a copy must be sent. ~~[Such]~~ *Except as otherwise provided in section 6 of this act, such a report is confidential and is not subject to subpoena.*

Sec. 205. NRS 683A.0873 is hereby amended to read as follows:

683A.0873 1. Each administrator shall maintain at his principal office adequate books and records of all transactions between himself, the insurer and the insured. The books and records must be maintained in accordance with prudent standards of recordkeeping for insurance and with regulations of the Commissioner for a period of ⁵~~452~~ years after the transaction to which

they respectively relate. After the 5-year period, the administrator may remove the books and records from the State, store their contents on microfilm or return them to the appropriate insurer.

2. The Commissioner may examine, audit and inspect books and records maintained by an administrator under the provisions of this section to carry out the provisions of NRS 679B.230 to 679B.300, inclusive.

3. The names and addresses of insured persons and any other material which is in the books and records of an administrator are confidential except *as otherwise provided in section 6 of this act and except* when used in proceedings against the administrator.

4. The insurer may inspect and examine all books and records to the extent necessary to fulfill all contractual obligations to insured persons, subject to restrictions in the written agreement between the insurer and administrator.

Sec. 206. NRS 686A.289 is hereby amended to read as follows:

686A.289 1. Any insurer giving information to the Attorney General, the Commissioner or any investigative or law enforcement agency concerning an act or omission alleged to be insurance fraud is entitled to receive, upon completion of the investigation or prosecution of the insurance fraud, whichever occurs later, any relevant information concerning the fraudulent activity.

2. The Attorney General, the Commissioner or any investigative or law enforcement agency receiving information from another person, agency or insurer shall:

(a) Keep the information confidential and not release the information except pursuant to subsection 1 ~~[;]~~ *and section 6 of this act*;

(b) Provide information concerning its investigation of the insurance fraud to the insurer reporting the fraudulent activity upon the completion of its investigation or a criminal prosecution, whichever occurs later; and

(c) Provide any documents necessary or allow its employees or agents to testify in any action by or against the insurer if the insurer or its insured furnished the information for the investigation or a criminal prosecution.

Sec. 207. NRS 687A.115 is hereby amended to read as follows:

687A.115 To aid in the detection and prevention of insurer insolvencies:

1. The Commissioner may:

(a) Notify the insurance commissioners of the other states and territories of the United States and of the District of Columbia when he revokes or suspends a license, or when he makes any formal order that a company restrict its writing of insurance, obtain additional contributions to surplus, withdraw from the state or reinsure any part of its business or any other account for the security of policyholders or creditors.

(b) Report to the Board of Directors any action set forth in paragraph (a) and the receipt of a report from another insurance commissioner indicating that the action has been taken elsewhere. The report shall contain all significant details of the action taken ⁴⁵³ or the report received.

(c) Report to the Board of Directors when he has reasonable cause to believe from any examination of any member insurer, whether completed or in process, that the member insurer may be insolvent or in a financial condition hazardous to the interests of policyholders or the public.

(d) Furnish to the Board of Directors the early warning tests developed by the National Association of Insurance Commissioners. The Board may use the information furnished to carry out its duties. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the report and the information contained therein is not a public record and shall be kept confidential by the Board of Directors until it is made public by the Commissioner or other lawful authority.*

2. The Commissioner may seek the advice and recommendations of the Board of Directors concerning any matter affecting his duties and responsibilities relating to the financial condition of member insurers and of insurers seeking admission to transact business in this state.

Sec. 208. NRS 688C.480 is hereby amended to read as follows:

688C.480 1. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a document or information furnished pursuant to NRS 688C.470 or obtained by the Commissioner in an investigation of an actual or suspected violation of NRS 688C.450 is confidential and privileged, is not a public record and is not subject to discovery or subpoena in a civil action or criminal prosecution.*

2. Subsection 1 does not prohibit the Commissioner from disclosing documents or evidence so furnished or obtained:

(a) In an administrative or judicial proceeding to enforce a statute administered by him;

(b) To another federal, state or local law enforcement or regulatory officer, another person involved in the prevention or detection of violations of NRS 688C.450, or similar offenses, or the National Association of Insurance Commissioners; or

(c) To a person engaged in the business of viatical settlements who is aggrieved by the violation.

3. Disclosure of a document or evidence under subsection 2 does not abrogate or modify the privilege covering it under subsection 1.

Sec. 209. NRS 688C.490 is hereby amended to read as follows:

688C.490 1. Each licensee under this chapter shall establish and maintain protective measures against fraud which are reasonably calculated to prevent, detect and assist in the prosecution of violations of NRS 688C.450. The Commissioner may order, or a licensee may request and the Commissioner may approve, modifications of the measures otherwise required under this section, more or less restrictive than those measures, as necessary to protect against fraud. Required measures are employment of or contracting with investigators and submission of a plan to the Commissioner which includes:

(a) A description of the procedures for detecting and investigating possible violations of NRS 688C.450 and for resolving inconsistencies between medical records and applications for insurance;

(b) A description of the procedures for reporting possible violations to the Commissioner;

(c) A description of the plan for educating and training underwriters and other personnel against fraud; and

(d) A description or chart of the organizational arrangement of the personnel responsible for detecting and investigating possible violations of NRS 688C.450 and for resolving inconsistencies between medical records and applications for insurance.

2. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a plan submitted to the Commissioner pursuant to subsection 1 is privileged and confidential, not a public record and not subject to discovery or subpoena in a civil action or criminal prosecution.*

Sec. 210. NRS 692A.117 is hereby amended to read as follows:

692A.117 1. The Commissioner shall classify as confidential the financial statements of a title agent, escrow officer and title insurer and those records and information obtained by the Division which:

(a) Are obtained from a governmental agency upon the express condition that they remain confidential.

(b) Consist of information compiled by the Division in the investigation of possible violations of this chapter. This paragraph does not limit examination by the Legislative Auditor or any other person pursuant to a court order.

2. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the contents of the file for an escrow are confidential and, subject to the rights to discover the contents by subpoena or other lawful process, must not be disclosed without the express written consent of one party of the escrow other than the holder of the escrow.*

Sec. 211. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported pursuant to NRS 692C.260 to 692C.350, inclusive, must be given confidential treatment and is not subject to subpoena and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in any manner as he may deem appropriate.*

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the

Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1 in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.

Sec. 212. NRS 693A.480 is hereby amended to read as follows:

693A.480 1. Except as otherwise provided in subsection 2 ~~of~~ *and section 6 of this act*, all information and documents obtained by or disclosed to the Commissioner or any other person in the course of preparing, filing and processing an application of a converting mutual, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to NRS 693A.460 or filed or submitted as evidence in connection with the public hearing pursuant to NRS 693A.450, are confidential and not subject to subpoena, and must not be made public by the Commissioner, the National Association of Insurance Commissioners or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the Commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the Commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 213. NRS 693A.615 is hereby amended to read as follows:

693A.615 1. Except as otherwise provided in subsection 2 ~~of~~ *and section 6 of this act*, all information and documents obtained by or disclosed to the Commissioner or any other person in the course of preparing, filing and processing an application to reorganize pursuant to NRS 693A.580, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to NRS 693A.595 or filed or submitted as evidence in connection with the public hearing pursuant to NRS 693A.585, are confidential and not subject to subpoena, and must not be made public by the Commissioner, the National Association of Insurance Commissioners or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the Commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the Commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 214. NRS 696B.550 is hereby amended to read as follows:

696B.550 1. The Commissioner shall hold all hearings in summary proceedings privately unless the insurer requests a public hearing, in which case the hearing must be public.

2. The court may hold all hearings in summary proceedings and judicial reviews thereof privately in chambers, and shall do so on request of the insurer proceeded against.

3. In all summary proceedings and judicial reviews thereof, all records of the insurer, other documents and all Division files and court records and papers, so far as they pertain to or are part of the record of the summary proceedings, are confidential *except as otherwise provided in section 6 of this act* and except as necessary to obtain compliance therewith, unless the court after hearing arguments by the parties in chambers, orders otherwise, or unless the insurer requests that the matter be made public. Until the court otherwise orders, all papers filed with the clerk of the court must be held by him in a confidential file.

4. If at any time it appears to the court that any person whose interest is or will be substantially affected by an order did not appear at the hearing and has not been served, the court may order that notice be given and the proceedings be adjourned to give the person an opportunity to appear, on such terms as may be reasonable and just.

Sec. 215. NRS 704B.320 is hereby amended to read as follows:

704B.320 1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties, the aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this State that is available to the electric utility and the existing demand for energy in this State that is consumed by the customers of the electric utility, as determined by the Commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to NRS 704B.310 all information concerning the contract offered to the electric utility that is necessary for the Commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract.

4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate and his staff and the electric utility for the purposes of carrying out the provisions of this section; and

(b) ~~[Shall]~~ *Except as otherwise provided in section 6 of this act, shall be* deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

5. If the Commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the Commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

6. The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to NRS 704.7801 to 704.7828, inclusive, to comply with its portfolio standard. The Commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.

Sec. 216. NRS 704B.325 is hereby amended to read as follows:

704B.325 1. An eligible customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources may purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if the terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer.

2. If any terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, do not conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer, the eligible customer must obtain approval from the Commission before those nonconforming terms and conditions are enforceable.

3. If the eligible customer files a request with the Commission for approval of any nonconforming terms and conditions, the Commission shall review and make a determination concerning the request on an expedited basis.

4. Notwithstanding any specific statute to the contrary, information concerning any terms and conditions of the transaction with the alternative provider that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate and his staff and the affected electric utility for the purposes of carrying out the provisions of this section; and

(b) ~~[Shall]~~ *Except as otherwise provided in section 6 of this act, shall* be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

Sec. 217. NRS 710.159 is hereby amended to read as follows:

710.159 1. If, at the primary, general or special election, it is shown that a majority of the ballots cast favors the sale or lease of the telephone system, the board of county commissioners shall contract with a reputable and qualified expert in rural telecommunications to appraise the value of the telephone system. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* appraisal is confidential and must not be disclosed before the completion of the sale or lease of the telephone system.

2. Upon the return of the appraisal, the board of county commissioners shall advertise the sale or lease, for a term of years agreed upon by the board, of the telephone system by notice published at least once a week for 5 consecutive weeks by five weekly insertions a week apart in a newspaper published within the county and having a general circulation therein. After publication of the first such notice, the board or its authorized representatives may enter into negotiations for the sale or lease of the telephone system. If

the notice is for the sale of the telephone system, the board shall not accept a sum less than the amount of the appraisal of the telephone system. If the notice is for the lease of the telephone system, the board shall not accept a sum less than an amount to realize not less than 7 percent per annum upon the value of the telephone system as so appraised. If the telephone system is leased, the board shall safeguard the county's interest by demanding a bond for the faithful performance of the covenants contained in the lease. The board may reject any and all offers made for such a sale or lease.

Sec. 218. 1. Except as otherwise provided in this subsection, for the purposes of section 6 of this act, a person may apply to a district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record, or a part thereof, if the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more on the date of the application. A person may apply to the district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record that pertains to a natural person if, on the date of the application, the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more or the natural person has died, whichever is later.

2. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005, as amended by section 7 of this act.

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Care and Raggio.

Senator Raggio moved to withdraw the motion to adopt Amendment No. 1049 to Senate Bill No. 123.

Motion carried.

Senator Raggio moved that Senate Bill No. 123 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assembly Bill No. 579.

Bill read third time.

Roll call on Assembly Bill No. 579:

YEAS—21.

NAYS—None.

Assembly Bill No. 579 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

RECEDE FROM SENATE AMENDMENTS

Senator Cegavske moved that the Senate do not recede from its action on Assembly Bill No. 142, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 1, 2007

Senate called to order at 11:26 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, when we long for life without trials and work without difficulties, remind us that oaks grow strong in contrary winds and diamonds are made under pressure. With stout hearts may we see in every calamity an opportunity and not give way to the pessimism that sees in every opportunity a calamity.

Knowing that You are still upon the throne, let us get on with the job at hand, doing the best we can and leaving the rest to You. Help us to show ourselves to be good workmen who need not be ashamed, rightly dividing the word of truth. This we ask in Your Holy Name.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES*Mr. President:*

Your Committee on Finance, to which was referred Assembly Bill No. 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 191, 540, 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair**Mr. President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair**Mr. President:*

Your Committee on Transportation and Homeland Security, to which was referred Assembly Bill No. 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair***MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, Carson City, May 31, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 90; Assembly Bill No. 627.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 291, 469.

Roll call on Assembly Bill No. 627:

YEAS—21.

NAYS—None.

Assembly Bill No. 627 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by Senator Care:

Amendment No. 1107.

Section 6 of S.B. No. 123 is hereby amended as follows:

Sec. 6. 1. *Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.*

2. *There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that he seeks to inspect or copy.*

3. *The provisions of subsection 1 do not apply to any ~~public~~ book or record ~~pertaining to an applicant that has been declared~~ :*

(a) Declared confidential pursuant to subsection 4 of NRS 463.120. ~~As used in this subsection, "applicant" has the meaning ascribed to it in NRS 463.0135.~~

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

Section 16 of S.B. No. 123 is hereby amended as follows:

Sec. 16. ~~[NRS 62D.440 is hereby amended to read as follows:~~

~~62D.440—1. The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if:~~

~~(a) The victim requests such a disclosure; or~~

~~(b) If the victim is less than 18 years of age, the parent or guardian of the victim requests such a disclosure.~~

~~2. [All] Except as otherwise provided in section 6 of this act, all personal information pertaining to the victim or the parent or guardian of the victim,~~

~~including, but not limited to, a current or former address, which is obtained by the prosecuting attorney pursuant to this section, is confidential and must not be used for a purpose other than that provided for in this section.]~~
(Deleted by amendment.)

Section 32 of S.B. No. 123 is hereby amended as follows:

Sec. 32. ~~[NRS 176.156 is hereby amended to read as follows:~~

~~176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:~~

~~(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.~~

~~(b) Any general investigation made pursuant to NRS 176.151.~~

~~➔ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.~~

~~2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.~~

~~3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:~~

~~(a) A sex offender as defined in NRS 213.107; or~~

~~(b) An offender who has been determined to be mentally ill.~~

~~4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.~~

~~5. Except for the disclosures required by subsections 1 to 4, inclusive, and except as otherwise provided in section 6 of this act, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.]~~ *(Deleted by amendment.)*

Section 33 of S.B. No. 123 is hereby amended as follows:

Sec. 33. ~~[NRS 176A.630 is hereby amended to read as follows:~~

~~176A.630 If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to~~

~~NRS 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of his probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning him to the court for violation of his probation. The court may:~~

- ~~1. Continue or revoke the probation or suspension of sentence;~~
- ~~2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;~~
- ~~3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;~~
- ~~4. Cause the sentence imposed to be executed; or~~
- ~~5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, he shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided his current address to the Division. The notice must inform the victim that he has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of his probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this subsection. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this subsection is confidential.] (Deleted by amendment.)~~

Section 34 of S.B. No. 123 is hereby amended as follows:

Sec. 34. ~~[NRS 178.5691 is hereby amended to read as follows:~~

~~178.5691—[All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.] (Deleted by amendment.)~~

Section 36 of S.B. No. 123 is hereby amended as follows:

Sec. 36. ~~[NRS 179A.290 is hereby amended to read as follows:~~

~~179A.290—1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:~~

~~(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and~~

~~(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:~~

~~(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and~~

~~(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.~~

~~2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.~~

~~3. The Director of the Department shall report the statistical data and findings from the program to:~~

~~(a) The Legislature at the beginning of each regular session.~~

~~(b) The Advisory Commission on Sentencing on or before January 31 of each even-numbered year.~~

~~4. [The] Except as otherwise provided in section 6 of this act, the data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.] (Deleted by amendment.)~~

Section 37 of S.B. No. 123 is hereby amended as follows:

Sec. 37. ~~[NRS 200.3771 is hereby amended to read as follows:~~

~~200.3771 1. Except as otherwise provided in this section [,] and section 6 of this act, any information which is contained in:~~

~~(a) Court records, including testimony from witnesses;~~

~~(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;~~

~~(c) Records of criminal history, as that term is defined in NRS 179A.070; and~~

~~(d) Records in the Central Repository for Nevada Records of Criminal History;~~

~~➤ that reveals the identity of a victim of sexual assault is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.~~

~~2. A defendant charged with a sexual assault and his attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and his attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.~~

~~3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:~~

~~(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;~~

~~(b) The disclosure will not place the victim at risk of personal harm; and
(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.~~

~~4. Nothing in this section prohibits:~~

~~(a) Any publication or broadcast by the media concerning a sexual assault.~~

~~(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:~~

~~(1) The organization or agency needs identifying information of victims to offer such services; and~~

~~(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.~~

~~5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.] (Deleted by amendment.)~~

Section 38 of S.B. No. 123 is hereby amended as follows:

Sec. 38. ~~[NRS 200.3772 is hereby amended to read as follows:~~

~~200.3772 1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.~~

~~2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.~~

~~3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:~~

~~(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and~~

~~(b) Notify the prosecuting attorney of the pseudonym.~~

~~➔ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.~~

~~4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.~~

~~5. [The] Except as otherwise provided in section 6 of this act, the information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.~~

~~6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is~~

~~essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.~~

~~7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:~~

~~(a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or~~

~~(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.] (Deleted by amendment.)~~

Section 39 of S.B. No. 123 is hereby amended as follows:

Sec. 39. ~~[NRS 200.5095 is hereby amended to read as follows:~~

~~200.5095 1. [Reports] Except as otherwise provided in section 6 of this act, reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.~~

~~2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:~~

~~(a) Pursuant to a criminal prosecution;~~

~~(b) Pursuant to NRS 200.50982; or~~

~~(c) To persons or agencies enumerated in subsection 3,
is guilty of a misdemeanor.~~

~~3. Except as otherwise provided in subsection 2 and NRS 200.50982 [,] and section 6 of this act, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:~~

~~(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;~~

~~(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;~~

~~(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;~~

~~(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;~~

~~(e) A person engaged in bona fide research, but , except as otherwise provided in section 6 of this act, the identity of the subjects of the report must remain confidential;~~

~~(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;~~

~~(g) Any comparable authorized person or agency in another jurisdiction;~~

~~(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to~~

~~the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;~~

~~(i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or~~

~~(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.~~

~~4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.] (Deleted by amendment.)~~

Section 41 of S.B. No. 123 is hereby amended as follows:

Sec. 41. ~~[NRS 209.392 is hereby amended to read as follows:~~

~~209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:~~

- ~~(a) Established a position of employment in the community;~~
- ~~(b) Enrolled in a program for education or rehabilitation; or~~
- ~~(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime;~~

~~➔ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.~~

~~2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former~~

~~address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.~~

~~3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:~~

~~(a) Is not eligible for parole or release from prison within a reasonable period;~~

~~(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(c) Has not performed the duties assigned to him in a faithful and orderly manner;~~

~~(d) Has ever been convicted of:~~

~~(1) Any crime involving the use or threatened use of force or violence against the victim; or~~

~~(2) A sexual offense;~~

~~(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955;~~

~~(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director;~~

~~→ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.~~

~~4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:~~

~~(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.~~

~~(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:~~

~~(a) A continuation of his imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department;~~

~~➔ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.] (Deleted by amendment.)~~

Section 42 of S.B. No. 123 is hereby amended as follows:

Sec. 42. ~~[NRS 209.3925 is hereby amended to read as follows:~~

~~209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his sentence, if:~~

~~(a) The Director has reason to believe that the offender is:~~

~~(1) Physically incapacitated or in ill health to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or~~

~~(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and~~

~~(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:~~

~~(1) Physically incapacitated or in ill health; or~~

~~(2) In ill health and expected to die within 12 months.~~

~~2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:~~

~~(a) If the offender will reside within this State after he is released from the custody of the Department, the board of county commissioners of the county in which the offender will reside; and~~

~~(b) The Division of Parole and Probation.~~

~~3. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:~~

~~(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and~~

~~(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.~~

~~➔ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.~~

~~4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:~~

~~(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.~~

~~(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:~~

~~(a) A continuation of his imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

~~➔ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.~~

~~7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.] (Deleted by amendment.)~~

Section 44 of S.B. No. 123 is hereby amended as follows:

Sec. 44. [NRS 209.521 is hereby amended to read as follows:

~~209.521—1. If a victim of an offender provides his current address to the Director and makes a written request for notification of the offender's release or escape, the Director shall notify the victim if the offender:~~

~~(a) Will be released into the community for the purpose of employment, training or education, or for any other purpose for which release is authorized; or~~

~~(b) Has escaped from the custody of the Department.~~

~~2.—An offender must not be temporarily released into the community for any purpose unless notification of the release has been given to every victim of the offender who has requested notification and has provided his current address.~~

~~3.—The Director may not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to subsection 1 or 2 if no address was provided to the Director or the address provided is inaccurate or not current.~~

~~4.—[All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Director pursuant to this section is confidential.~~

~~5.—As used in this section, "victim" has the meaning ascribed to it in NRS 213.005.] (Deleted by amendment.)~~

Section 46 of S.B. No. 123 is hereby amended as follows:

Sec. 46. ~~[NRS 213.010 is hereby amended to read as follows:~~

~~213.010 1.—The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.~~

~~2.—Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.~~

~~3.—The Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.] (Deleted by amendment.)~~

Section 47 of S.B. No. 123 is hereby amended as follows:

Sec. 47. ~~[NRS 213.040 is hereby amended to read as follows:~~

~~213.040 All district attorneys receiving notice of an application for a pardon, or commutation of punishment, or remission of fine or forfeiture, shall transmit forthwith to:~~

~~1.—The Board a statement in writing of facts surrounding the commission of the offense for which the applicant is incarcerated or subject to penalty and any information affecting the merits of the application.~~

~~2.—Each victim of the person applying for clemency a copy of the notice of the application, if the victim so requests in writing and provides his current~~

~~address. If a current address is not provided, the district attorney may not be held responsible if a copy of the notice is not received by the victim. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the district attorney pursuant to this subsection is confidential.] (Deleted by amendment.)~~

Section 48 of S.B. No. 123 is hereby amended as follows:

Sec. 48. ~~[NRS 213.095 is hereby amended to read as follows:~~

~~213.095—If the Board remits a fine or forfeiture, commutes a sentence or grants a pardon, it shall give written notice of its action to the victim of the person granted clemency, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.] (Deleted by amendment.)~~

Section 49 of S.B. No. 123 is hereby amended as follows:

Sec. 49. ~~[NRS 213.130 is hereby amended to read as follows:~~

~~213.130—1.—The Department of Corrections shall:~~

~~(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;~~

~~(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and~~

~~(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.~~

~~2.—If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.~~

~~3.—Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings must be open to the public.~~

~~4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.~~

~~5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.~~

~~6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.~~

~~7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.~~

~~8. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.~~

~~9. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.] (Deleted by amendment.)~~

Section 50 of S.B. No. 123 is hereby amended as follows:

Sec. 50. ~~[NRS 217.105 is hereby amended to read as follows:~~

~~217.105 [Any] Except as otherwise provided in section 6 of this act, any information which a compensation officer obtains in the investigation of a claim for compensation pursuant to NRS 217.090 or which is submitted pursuant to NRS 217.100 is confidential and must not be disclosed except:~~

~~1. Upon the request of the applicant or his attorney;~~

~~2. In the necessary administration of this chapter; or~~

~~3. Upon the lawful order of a court of competent jurisdiction;~~

~~unless the disclosure is otherwise prohibited by law.] (Deleted by amendment.)~~

Section 51 of S.B. No. 123 is hereby amended as follows:

Sec. 51. ~~[NRS 217.110 is hereby amended to read as follows:~~

~~217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If~~

~~the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.~~

~~2.— If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection 4, render a decision within 60 days after his receipt of the application or order. If in conducting his investigation the compensation officer believes that:~~

- ~~(a) Reports on the previous medical history of the victim;~~
 - ~~(b) An examination of the victim and a report of that examination;~~
 - ~~(c) A report on the cause of death of the victim by an impartial medical expert; or~~
 - ~~(d) Investigative or police reports;~~
- ~~→ would aid him in making his decision, the compensation officer may order the reports.~~

~~3.— Upon the request of a compensation officer pursuant to subsection 2 for investigative or police reports which concern a minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports. [Any] Except as otherwise provided in section 6 of this act, any reports obtained by a compensation officer pursuant to this subsection are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.~~

~~4.— When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation, if compensation is due, within 15 days after receipt of the reports.] (Deleted by amendment.)~~

Section 54 of S.B. No. 123 is hereby amended as follows:

Sec. 54. ~~[NRS 228.450 is hereby amended to read as follows:~~

~~228.450—1.— The Ombudsman for Victims of Domestic Violence shall:~~

- ~~(a) Prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available;~~
- ~~(b) Provide necessary assistance to victims of domestic violence;~~
- ~~(c) Provide education to the public concerning domestic violence, including, without limitation, the prevention of domestic violence, available assistance to victims of domestic violence and available treatment for persons who commit domestic violence;~~
- ~~(d) Perform such other tasks as are necessary to carry out his duties and the functions of his office.~~

~~2.— Except as otherwise provided in this subsection [,] and section 6 of this act, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any~~

~~circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.~~

~~3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence may be used to compensate the Ombudsman for Victims of Domestic Violence.] (Deleted by amendment.)~~

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990))

Section 4 of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

~~With [the exception of public books or records pertaining to applicants for gaming licenses,]~~ certain exceptions, section 6 of this bill provides that, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. Section 218 of this bill clarifies that a person may apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or copy public books or records that already meet the conditions set forth in section 6.

Section 5 of this bill provides that in any judicial or administrative proceeding in which the confidentiality of a public book or record is at issue and the governmental entity that has legal custody or control of the public

book or record asserts that the public book or record is confidential, the governmental entity has the burden of proving such confidentiality.

Sections 3 and 7 of this bill provide that although a nongovernmental entity which performs certain functions for or on behalf of a governmental entity is considered a governmental entity for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility for or on behalf of a governmental entity are public records that must be open for inspection and copying. Section 3 specifically excludes financial or other proprietary records of a nongovernmental entity from this requirement.

Section 8 of this bill provides that a governmental entity shall not deny a request to inspect or copy a public book or record because the public book or record contains information that is confidential if the governmental entity can redact the confidential information.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—21.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 547.

Bill read third time.

Roll call on Senate Bill No. 547:

YEAS—21.

NAYS—None.

Senate Bill No. 547 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 584.

Bill read third time.

Roll call on Assembly Bill No. 584:

YEAS—21.

NAYS—None.

Assembly Bill No. 584 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 626.

Bill read third time.

Roll call on Assembly Bill No. 626:

YEAS—21.

NAYS—None.

Assembly Bill No. 626 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The first Conference Committee concerning Assembly Bill No. 148, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 669 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—~~[Enacts provisions governing the sale of products containing materials that are used in the manufacture of]~~ Makes various changes relating to methamphetamine and other controlled substances. (BDR 40-512)"

"AN ACT relating to controlled substances; ~~[requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any calendar day, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are]~~ making various changes concerning the sale, transfer or acquisition of precursors to methamphetamine; making various changes relating to crimes relating to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions relating to nuisances; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine ~~[.]~~ and makes other various changes pertaining to methamphetamine and other controlled substances.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than \$250,000 for each violation.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

Section 11.5 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) Section 11.7 of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. Section 11.7 also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is a crime. (NRS 40.140, 202.450, 202.470) Sections 16 and 17 of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 25 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy.

Section 26 of this bill requires a pharmacy that becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine to report the loss or disappearance to the Department of Public Safety.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~11~~, 11.5, inclusive, of this act.

Sec. 2. As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.

Sec. 4. "Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 5. "Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Sec. 6. A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.

Sec. 7. 1. Except as otherwise provided in subsection 2, a retail distributor shall not:

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

- Sec. 8. 1. *A retail distributor shall maintain a logbook.*
2. *At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:*
- (a) The name of the product sold or transferred;*
 - (b) The quantity of the product sold or transferred;*
 - (c) The name and address of the purchaser or transferee; and*
 - (d) The date and time of the sale or transfer.*
3. *A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:*
- (a) The prospective purchaser or transferee:*
 - (1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and*
 - (2) Signs his name in the logbook; and*
 - (b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.*
4. *The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.*
5. *A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.*
6. *A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.*
7. *Upon a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.*
- Sec. 9. *If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.*
- Sec. 10. 1. *Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:*
- (a) During any calendar day more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or*
 - (b) During any 30-day period, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.*
2. *The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.*
3. *A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:*
- (a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and*
 - (b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have*

become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11.5. 1. Except as otherwise provided in subsection 2, a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. A person does not violate subsection 1 if the person:

(a) Possesses or disposes of the methamphetamine manufacturing waste pursuant to state or federal laws regulating the storage, cleanup or disposal of waste products from unlawful methamphetamine manufacturing;

(b) Has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste; or

(c) Possesses or disposes of methamphetamine manufacturing waste that had previously been disposed of by another person on the person's property in violation of subsection 1.

3. As used in this section:

(a) "Disposes of" means to discharge, deposit, inject, spill, leak or place methamphetamine manufacturing waste into or onto land or water.

(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 11.7. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, and sections 2 to 11.5, inclusive, of this act, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana ~~for~~, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➔ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.
- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- ~~[(u)]~~ (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- ~~[(v)]~~ (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- ~~[(w)]~~ (x) Methyl isobutyl ketone (MIBK).
- ~~[(x)]~~ (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- ~~[(y)]~~ (z) Nitroethane, its salts, isomers and salts of isomers.
- ~~[(z)]~~ (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- ~~[(aa)]~~ (bb) Phenylacetic acid, its esters and its salts.
- ~~[(bb)]~~ (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- ~~[(cc)]~~ (dd) Piperidine and its salts.
- ~~[(dd)]~~ (ee) Piperonal, its salts, isomers and salts of isomers.
- ~~[(ee)]~~ (ff) Potassium permanganate.
- ~~[(ff)]~~ (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- ~~[(gg)]~~ (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- ~~[(hh)]~~ (ii) Red phosphorous.
- ~~[(ii)]~~ (jj) Safrole, its salts, isomers and salts of isomers.
- ~~[(jj)]~~ (kk) Sodium metal.
- (ll) Sulfuric acid.
- ~~[(kk)]~~ (mm) Toluene.

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to ~~11.5~~ 11.5, inclusive, of this act*, any person who *violates section 6, 7, ~~for~~ 8 or 11.5 of this act*, unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ NRS 453.553 to 453.5533, inclusive:

- (a) "Each violation" includes a continuous or repetitive violation arising out of the same act.
- (b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.
- (c) "Substitute" means a substance which:
 - (1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and
 - (2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed \$700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

5. *The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7, ~~for~~ 8 or 11.5 of this act, to a civil penalty in an amount not to exceed \$250,000 for each violation.*

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, and sections 2 to ~~11.5~~ 11.5, inclusive, of this act occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. [This act becomes effective on July 1, 2007.] *(Deleted by amendment.)*

Sec. 16. *NRS 40.140 is hereby amended to read as follows:*

40.140 1. Except as otherwise provided in this section ~~[anything]~~ :

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~[including, without limitation, a]~~ :

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ ; or

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

↪ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

↪ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~["shooting"]~~ :

(a) *"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.*

(b) *"Immediate precursor" has the meaning ascribed to it in NRS 453.086.*

(c) *"Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.*

Sec. 17. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

↪ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befoils, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

↪ is a public nuisance.

4. *A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:*

(a) *The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate*

precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~§~~ 6. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

↪ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~6.~~ 7. As used in this section ~~["shooting"]~~ :

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(c) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 18. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property ~~or~~;

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property ~~or~~;

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS ~~or~~;

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog ~~as defined in NRS 453.043~~;

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~(e)~~ (e) "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

→ the property or a person present on the property.

Sec. 19. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 20. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 21. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 22. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws

applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property ~~or~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property ~~or~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS ~~or~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog ~~as defined in NRS 453.043.~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~(e)~~ (e) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

→ a property or a person present on the property.

Sec. 23. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 24, 25 and 26 of this act.

Sec. 24. As used in this section and sections 25 and 26 of this act, "product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 25. A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate users, a product that is a precursor to methamphetamine, unless the person is a pharmacy.

Sec. 26. 1. Except as otherwise provided in subsection 2, if a pharmacy becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine while the product is under the control of the pharmacy, the pharmacy must:

(a) Make an oral report to the Department of Public Safety at the earliest practicable opportunity after the pharmacy becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine; and

(b) Submit a written report to the Department of Public Safety within 15 days after the pharmacy becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine.

2. If an unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine occurs while the product is being transported to a pharmacy, the pharmacy is not required to comply with the provisions of subsection 1.

3. A report required by subsection 1 must include, without limitation, a description of the circumstances surrounding the loss or disappearance and may be in substantially the following form:

LOSS REPORT

License number:

Name:

Business address:

City:

State:

Zip:

Business phone:

Date of loss:

Type of loss:

Description of circumstances:

4. As used in this section, "unusual or excessive loss or disappearance" means a loss or disappearance for which a report would be required under 21 U.S.C. § 830(b)(1), and any regulations adopted pursuant thereto, if the pharmacy were subject to the requirements of 21 U.S.C. § 830(b)(1) and any regulations adopted pursuant thereto.

Sec. 27. This act becomes effective on August 1, 2007.

MAURICE WASHINGTON

SHEILA LESLIE

JOYCE WOODHOUSE

BERNIE ANDERSON

JOSEPH HECK

JOE HARDY

Senate Conference Committee

Assembly Conference Committee

Senator Washington moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 148.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Townsend, Hardy and Schneider as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 18.

President Krolicki appointed Senators Heck, Schneider and Townsend as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 412.

President Krolicki appointed Senators Amodei, Washington and Mathews as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 487.

President Krolicki appointed Senators Washington, Wiener and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 536.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:26 p.m.

SENATE IN SESSION

At 5:37 p.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 342; Assembly Bill No. 144.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 280, 565, 595.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 404, Amendment No. 1082; Senate Bill No. 499, Amendment No. 1090, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 802 to Assembly Bill No. 593; Senate Amendment No. 1070 to Assembly Bill No. 624.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 695 to Assembly Bill No. 428 and respectfully refused to concur in Senate Amendment No. 948 to Assembly Bill No. 428.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 1056 to Assembly Bill No. 182.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 131, Assembly Amendment No. 964, and requests a conference, and appointed Assemblymen Horne, Ohrenschall and Allen as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 274, Assembly Amendments Nos. 945, 993, and requests a conference, and appointed Assemblymen Kirkpatrick, Bobzien and Goicoechea as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 303, Assembly Amendment No. 836, and requests a conference, and appointed Assemblymen Anderson, Manendo and Carpenter as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 328, Assembly Amendments Nos. 848, 1027, and requests a conference, and appointed Assemblymen Segerblom, Smith and Stewart as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 436, Assembly Amendments Nos. 944, 1006, and requests a conference, and appointed Assemblymen Horne, Parks and Allen as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 509, Assembly Amendment No. 853, and requests a conference, and appointed Assemblymen Smith, Kihuen and Stewart as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Conklin, Gerhardt and Christensen as a first Conference Committee concerning Assembly Bill No. 50.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Anderson, Smith and Beers as a first Conference Committee concerning Assembly Bill No. 127.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Conklin, Horne and Mabey as a first Conference Committee concerning Assembly Bill No. 385.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Parnell, Kihuen and Beers as a first Conference Committee concerning Assembly Bill No. 460.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Parks, Pierce and Allen as a first Conference Committee concerning Assembly Bill No. 461.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Anderson, Segerblom and Mabey as a first Conference Committee concerning Assembly Bill No. 521.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the first Conference Committees concerning Senate Bills Nos. 115, 143.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 144.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 280.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 565.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 595.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 619.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 1096.

"SUMMARY—~~[Creates the Nevada Automobile Theft Authority.]~~
Revises provisions governing the crime of grand larceny of a motor vehicle.
 (BDR ~~[43-1503)]~~ 15-1503)"

"AN ACT relating to motor vehicles; ~~[creating the Nevada Automobile Theft Authority within the Department of Motor Vehicles; providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of~~

~~money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund;]~~ revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Section 6 of this bill creates the Nevada Automobile Theft Authority within the Department of Motor Vehicles. The Authority consists of 13 voting members and the Director of the Department who serves as a nonvoting member. Section 8 of this bill describes the duties of the Authority, which include: (1) determining the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State; (2) analyzing various methods of reducing motor vehicle theft in this State; (3) developing and carrying out a plan to reduce motor vehicle theft in this State; and (4) developing and carrying out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority. Section 9 of this bill creates the Fund for the Nevada Automobile Theft Authority in the State Treasury. Section 8 authorizes the Authority to award grants of money from the Fund to public agencies for programs that are designed to prevent motor vehicle theft in this State. Section 10 of this bill imposes on an insurer that issues policies of motor vehicle liability insurance in this State a semiannual fee of 50 cents for each vehicle insured under such a policy issued by the insurer in this State. The money collected from the fees must be deposited in the Fund. If an insurer fails to pay the required fee, the Commissioner of Insurance is authorized to refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State or to impose on the insurer a civil penalty of not more than 120 percent of the amount due, or both.]~~ Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, unless the value of the motor vehicle involved in the grand larceny is proven to be \$2,500 or more in which case the person is guilty of a category B felony. (NRS 205.228) Section 12 of this bill provides that a person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has twice previously been convicted of grand larceny of a motor vehicle, section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

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

Section 1. ~~[Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 10, inclusive, of this act.]~~ (Deleted by amendment.)

~~Sec. 1.5. [As used in sections 1.5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 2. ["Authority" means the Nevada Automobile Theft Authority created by section 6 of this act.] (Deleted by amendment.)~~

~~Sec. 3. (Deleted by amendment.)~~

~~Sec. 4. (Deleted by amendment.)~~

~~Sec. 5. ["Fund" means the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.] (Deleted by amendment.)~~

~~Sec. 6. [1. The Nevada Automobile Theft Authority is hereby created within the Department. The Authority consists of the following 13 voting members:~~

~~(a) The Commissioner of Insurance, or his designee, who is an ex officio member;~~

~~(b) The Director of the Department of Public Safety, or his designee, who is an ex officio member;~~

~~(c) The sheriff of a county whose population is 400,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~(d) The sheriff of a county whose population is 100,000 or more but less than 400,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~(e) The sheriff of a county whose population is less than 100,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~(f) The chief of police of a city whose population is 100,000 or more or the undersheriff of a metropolitan police department which includes a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~(g) The chief of police of a city whose population is less than 100,000 or the undersheriff of a metropolitan police department which does not include a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~(h) The district attorney of a county whose population is 400,000 or more, appointed by the governing body of the Nevada District Attorneys Association;~~

~~(i) The district attorney of a county whose population is less than 400,000, appointed by the governing body of the Nevada District Attorneys Association;~~

~~(j) Two representatives of insurers that write motor vehicle liability insurance in this State, appointed by the Governor; and~~

~~(k) Two representatives of the general public, appointed by the Governor.~~

~~2. The Director of the Department of Motor Vehicles or his designee shall serve as a nonvoting member of the Authority.~~

~~3.—The Director of the Department of Motor Vehicles shall serve as the Chairman of the Authority for the limited purpose of calling and conducting the initial meeting of the Authority. At its initial meeting and annually thereafter the voting members of the Authority shall elect a Chairman from among the voting members.~~

~~4.—The Authority shall meet regularly at least quarterly and may meet at other times upon the call of the Chairman or a majority of the voting members of the Authority. Any seven voting members of the Authority constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.~~

~~5.—The Authority shall adopt rules for its own management.~~

~~6.—After their initial terms, the appointed members of the Authority shall serve terms of 4 years. An appointed member shall continue to serve on the Authority until his successor is appointed. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the appointed membership of the Authority must be filled in the same manner as the original appointment. There is no limit on the number of terms that a member may serve.~~

~~7.—Members of the Authority:~~

~~(a) Serve without compensation; and~~

~~(b) To the extent that money for the administrative expenses of the Authority is available in the Fund, while engaged in the business of the Authority, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~8.—The members of the Authority who are public employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Authority in the most timely manner practicable. The public employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Authority or take annual leave or compensatory time for the absence.] (Deleted by amendment.)~~

Sec. 7. ~~[An appointed member of the Authority may be removed before the expiration of his term by the Governor if the Governor determines that the member:~~

~~1.—Did not possess the qualifications to serve on the Authority at the time he was appointed;~~

~~2.—Has ceased to possess the qualifications to serve on the Authority;~~

~~3.—Will be unable to perform competently his duties for a substantial part of his remaining term because of illness or disability; or~~

~~4.—Has been absent from more than one-half of the regularly scheduled meetings of the Authority during a calendar year and the absences have not been excused by a majority vote of the Authority.] (Deleted by amendment.)~~

Sec. 8. ~~[1.—To the extent of available existing resources, the Department shall provide:~~

~~(a) Administrative support;~~

- ~~(b) Equipment; and~~
~~(c) Office space;~~
~~as is necessary for the Authority to carry out its duties.~~
- ~~2. To the extent that money for the administrative expenses of the Authority is available in the Fund, the Authority may:~~
- ~~(a) Provide for any administrative support, equipment and office space that is not provided by the Department; and~~
~~(b) Employ such staff members as it determines necessary, including, without limitation, an Executive Director. Such staff members serve at the pleasure of the Authority. If the Authority employs an Executive Director, his salary must not exceed \$75,000.~~
- ~~3. The Authority may:~~
- ~~(a) Apply for and accept grants and gifts for use in carrying out its duties; and~~
~~(b) Accept donations of goods and services for use in carrying out its duties, including, without limitation, the services of natural persons, office and secretarial assistance, printing and mailing services, and office equipment, facilities and supplies.~~
- ~~4. The Authority shall:~~
- ~~(a) Determine the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State;~~
~~(b) Analyze various methods of reducing motor vehicle theft in this State;~~
~~(c) Develop and carry out a plan to reduce motor vehicle theft in this State; and~~
~~(d) Develop and carry out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority.~~
- ~~5. The Authority may award grants of money from the Fund to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft in this State, including, without limitation:~~
- ~~(a) Financial support for law enforcement relating to, and prosecution of, motor vehicle theft, including, without limitation, equipment, work facilities and personnel for programs that are designed to increase the effectiveness of such law enforcement and prosecution.~~
~~(b) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.~~
- ~~6. Grants of money awarded by the Authority pursuant to subsection 5 must be used to supplement and not replace money that would otherwise be expended by the recipient of the grant for the prevention of motor vehicle theft.~~
- ~~7. The Authority shall, on or before December 31, 2009, and each year thereafter, submit a report concerning its activities during the immediately preceding fiscal year to the:~~
- ~~(a) Governor;~~

~~(b) Secretary of State;~~
~~(c) State Library and Archives Administrator; and~~
~~(d) Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.~~

~~8. In addition to the reports required by subsection 7, the Authority shall, on or before February 15, 2011, and each odd-numbered year thereafter, submit a consolidated report concerning its activities during the immediately preceding 2 fiscal years to the Director of the Legislative Counsel Bureau for posting on the public website of the Legislature on the Internet and for transmittal to the:~~

~~(a) Speaker of the Assembly;~~
~~(b) Majority Leader of the Senate;~~
~~(c) Legislative Commission;~~
~~(d) Assembly Standing Committee on Judiciary;~~
~~(e) Senate Standing Committee on Judiciary;~~
~~(f) Assembly Standing Committee on Transportation; and~~
~~(g) Senate Standing Committee on Transportation and Homeland Security.] (Deleted by amendment.)~~

Sec. 9. ~~{1. The Fund for the Nevada Automobile Theft Authority is hereby created in the State Treasury.~~

~~2. The Authority shall administer the Fund.~~

~~3. All public and private money received for the use of the Authority must be deposited in the Fund.~~

~~4. The money in the Fund may only be used to pay the administrative expenses of the Authority and to carry out the provisions of sections 6 to 10, inclusive, of this act. Not more than 10 percent of the money in the Fund in any fiscal year may be used to pay the administrative expenses of the Authority.~~

~~5. The Authority shall cause an audit to be made of the Fund every 2 years. The audit must be conducted by the Audit Division of the Legislative Counsel Bureau. A copy of the audit must be submitted to the Governor and the Legislative Commission.] (Deleted by amendment.)~~

Sec. 10. ~~{1. Each insurer shall pay a semiannual fee of 50 cents for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State.~~

~~2. The fee for a vehicle becomes due and nonrefundable upon the acceptance by the insurer of any portion of the premium charged for the policy.~~

~~3. If an insurer chooses to collect the fee from its insureds, the insurer may include the fee on its billing statements for the payment of premiums and indicate the purpose of the fee.~~

~~4. Each insurer shall, on or before January 31 and July 31 of each year, pay to the Authority for deposit in the Fund the fees due pursuant to this section as follows:~~

~~(a) The payment due on or before January 31 must cover all vehicles that are insured by the insurer on October 31 of the immediately preceding calendar year.~~

~~(b) The payment due on or before July 31 must cover all vehicles that are insured by the insurer on April 30 of the calendar year in which the payment is due.~~

~~5. If an insurer fails to pay the fee required by this section on or before the date due, the Authority shall notify the Commissioner of Insurance of the nonpayment. Upon receiving notice of an insurer's failure to pay the fee, the Commissioner may, in accordance with the provisions of NRS 680A.190, refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State, or impose a civil penalty of not more than 120 percent of the amount due, or both. The insurer shall pay the civil penalty together with the amount of fees due to the Commissioner, who shall deposit the civil penalty and fees in the Fund.~~

~~6. As used in this section:~~

~~(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.~~

~~(b) "Vehicle" does not include any vehicle with a declared gross weight in excess of 26,000 pounds or any combination of vehicles with a gross combination weight rating in excess of 26,000 pounds.] (Deleted by amendment.)~~

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in ~~[subsection 3,]~~ *this section*, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. *A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.*

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 13. ~~[Section 12 of this act is hereby amended to read as follows:~~

~~Sec. 12. NRS 205.228 is hereby amended to read as follows:~~

~~205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.~~

~~2.—Except as otherwise provided in this section, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.~~

~~3.—If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~4.—In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle [to]:~~

~~(a) To pay restitution [.]; and~~

~~(b) To pay a civil penalty of \$500 to the Nevada Automobile Theft Authority for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.] (Deleted by amendment.)~~

Sec. 14. ~~[The members of the Nevada Automobile Theft Authority created by section 6 of this act must be appointed by their respective appointing authorities as soon as practicable after July 1, 2008, as follows:~~

~~1.—The members appointed pursuant to paragraphs (c), (d) and (e) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2012.~~

~~2.—The members appointed pursuant to paragraphs (f) and (g) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2011.~~

~~3.—The members appointed pursuant to paragraphs (h) and (i) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2010.~~

~~4.—The members appointed pursuant to paragraphs (j) and (k) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2009.] (Deleted by amendment.)~~

Sec. 15. The provisions of NRS 205.228, as amended by section 12 of this act, apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject to the provisions of subsection 2 of NRS 205.228, as amended by section 12 of this act.

Sec. 16. ~~[1.—Notwithstanding the provisions of section 10 of this act:~~

~~(a) The initial fee due from an insurer pursuant to section 10 of this act:~~

~~(1) Is payable on or before July 31, 2008, and must cover all vehicles that are insured by the insurer on April 30, 2008; and~~

~~(2) Must be paid to the Commissioner of Insurance for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.~~

~~(b) The Commissioner of Insurance may take any action specified in subsection 5 of section 10 of this act if the fee is not paid on or before July 31, 2008.~~

~~2. The Director of the Department of Motor Vehicles may, on behalf of the Nevada Automobile Theft Authority, exercise all powers and duties of the Authority to the extent necessary until such time as the initial meeting of the Authority is held pursuant to section 6 of this act.] (Deleted by amendment.)~~

~~Sec. 17. [Notwithstanding any provision of law to the contrary, an insurer that is required pursuant to section 10 of this act to pay a fee for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State may begin collecting the fee from its insureds under those policies on April 30, 2008.] (Deleted by amendment.)~~

~~Sec. 18. [1. This section and sections 12 and 15 of this act become effective on October 1, 2007.~~

~~2. Section 17 of this act becomes effective on January 1, 2008.~~

~~3. Sections 1 to 11, inclusive, 13, 14 and 16 of this act become effective on July 1, 2008.] (Deleted by amendment.)~~

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

Roll call on Senate Bill No. 123:

YEAS—21.

NAYS—None.

Senate Bill No. 123 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 197.

Bill read third time.

Roll call on Assembly Bill No. 197:

YEAS—21.

NAYS—None.

Assembly Bill No. 197 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200.

Bill read third time.

NEVADA LEGISLATURE

Seventy-Fourth Session, 2007

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 4, 2007

Assembly called to order at 11:37 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

From Proverbs 30, in the contemporary English version: "I am completely worn out. How can I last?" Father, they tell me that it's anyone's guess as to when we'll be through here. But, Lord, You know. Please give us peace, unity, resolve, and diligence until that time comes. And, after we leave this place, I pray for the health, safety, peace, faith, and love of each member until next we meet. I pray in the Name of the One who promises an eternal revival, homecoming, and reunion.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 628 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 628.

Bill read third time.

Remarks by Assemblyman Arberry.

Assemblyman Arberry requested that his remarks be entered in the Journal.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 483, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 837 of the Assembly be concurred in.

TICK SEGERBLOM

WILLIAM HORNE

GARN MABEY

Assembly Conference Committee

MARK AMODEI

TERRY CARE

MAURICE WASHINGTON

Senate Conference Committee

Assemblyman Segerblom moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 483.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

RECEDE FROM SENATE AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 517, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Arberry, Koivisto, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 517.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 123, as had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1161.

Section 3 of S.B. No. 123 is hereby amended as follows:

Sec. 3. ~~[1.— Except as otherwise provided in subsection 2, records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility by the nongovernmental entity for or on behalf of a governmental entity are public records that must be open for inspection and copying.~~

~~2.— This section does not apply to the financial or other proprietary records of the nongovernmental entity.]~~ **(Deleted by amendment.)**

Section 7 of S.B. No. 123 is hereby amended as follows:

Sec. 7. ~~[NRS 239.005 is hereby amended to read as follows:~~

~~239.005— As used in this chapter, unless the context otherwise requires:~~

~~1.— “Actual cost” means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.~~

~~2.— “Committee” means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.~~

~~3.— “Division” means the Division of State Library and Archives of the Department of Cultural Affairs.~~

~~4.— “Governmental entity” means:~~

~~(a) An elected or appointed officer of this State or of a political subdivision of this State;~~

~~(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;~~

~~(c) A university foundation, as defined in NRS 396.405; [or]~~

~~(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools [.]; or~~

~~(e) Any other person or nongovernmental entity that administers, manages or regulates an activity, program, institution or facility for or on behalf of a governmental entity described in paragraphs (a) to (d), inclusive, of this subsection.]~~ **(Deleted by amendment.)**

Section 218 of S.B. No. 123 is hereby amended as follows:

Sec. 218. 1. Except as otherwise provided in this subsection, for the purposes of section 6 of this act, a person may apply to a district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record, or a part thereof, if the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more on the date of the application. A person may apply to the district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to

inspect or copy a public book or record that pertains to a natural person if, on the date of the application, the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more or the natural person has died, whichever is later.

2. As used in this section, “governmental entity” has the meaning ascribed to it in NRS 239.005 . ~~[, as amended by section 7 of this act.]~~

The Title of S.B. No. 123 is hereby amended as follows:

AN ACT relating to public records; ~~[providing that certain records of a nongovernmental entity are public books or records under certain circumstances,]~~ requiring a governmental entity to take certain action in response to a written request to inspect or copy a public book or record; making various changes regarding the confidentiality of records; authorizing a person to apply to a district court for an order to allow the person to inspect or copy certain confidential public books or records that have been in the custody of a governmental entity for a certain period; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel’s Digest will be changed as follows:

Legislative Counsel’s Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990))

Section 4 of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

With certain exceptions, section 6 of this bill provides that, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district

court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. Section 218 of this bill clarifies that a person may apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or copy public books or records that already meet the conditions set forth in section 6.

Section 5 of this bill provides that in any judicial or administrative proceeding in which the confidentiality of a public book or record is at issue and the governmental entity that has legal custody or control of the public book or record asserts that the public book or record is confidential, the governmental entity has the burden of proving such confidentiality.

~~§ Sections 3 and 7 of this bill provide that although a nongovernmental entity which performs certain functions for or on behalf of a governmental entity is considered a governmental entity for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility for or on behalf of a governmental entity are public records that must be open for inspection and copying. Section 3 specifically excludes financial or other proprietary records of a nongovernmental entity from this requirement.]~~

Section 8 of this bill provides that a governmental entity shall not deny a request to inspect or copy a public book or record because the public book or record contains information that is confidential if the governmental entity can redact the confidential information.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 324.

Bill read third time.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 123:

YEAS—35.

NAYS—Beers, Cobb, Gansert, Hardy, Settlemeyer, Stewart, Weber—7.

Senate Bill No. 123 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1159.

AN ACT relating to the State Legislature; providing for allowances for certain travel expenses incurred by Legislators during the legislative interim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that each Legislator is entitled to receive, during the legislative interim, a travel allowance not to exceed a total of ~~[\$5,000]~~ **\$3,000** for travel within ~~[his legislative district]~~ **the State** to participate in a meeting of a legislative committee or subcommittee of which he is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to ~~[that legislative district]~~ **the State**. The travel allowance applies only to trips that are 50 miles or more one way or 100 miles or more round trip. The travel allowance does not apply to travel that occurs after the Legislator has filed a declaration or an acceptance of candidacy for an elective office and remains a candidate for that office.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and NRS 218.2207, each Senator and Assemblyman is entitled to receive, during the legislative interim, an allowance for travel within ~~[his legislative district]~~ the State to participate in a meeting of a legislative committee or subcommittee of which he is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to ~~[that legislative district]~~ the State.

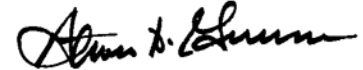
BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE
FOR COMPLETE TEXT

1 THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270
2 OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI
9950 West Cheyenne Avenue
3 Las Vegas, Nevada 89129
(702) 384-4012

4 Attorneys for Defendants

Electronically Filed
03/19/2013 08:59:54 AM



CLERK OF THE COURT

5
6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 * * * *

9
10 BLACK JACK BONDING, INC.,) CASE NO. A-12-670077-W
11) DEPT. NO. XXX
Petitioner,)
12)
vs.)
13)
LAS VEGAS METROPOLITAN POLICE)
14) DEPARTMENT, and DOUGLAS C.
GILLESPIE,)
15) Respondents.)
16)

17 ORDER GRANTING IN PART

18 MOTION FOR ISSUANCE OF A WRIT OF MANDAMUS

19 Petitioner Blackjack Bonding Inc.'s Motion for Issuance of Writ of Mandate having come
20 on its appointed scheduled time for hearing on November 26, 2012 and again on the 29th day of
21 January, 2013, the Honorable Judge Jerry A. Wiese presiding, Petitioner BLACKJACK
22 BONDING, INC. appearing by and through their attorneys, TRACY A. DIFILLIPPO, ESQ. and
23 CONOR FLYNN, ESQ., and Respondents LAS VEGAS METROPOLITAN POLICE
24 DEPARTMENT ("LVMPD"), and DOUGLAS C. GILLESPIE, appearing by and through their
25 attorney, THOMAS D. DILLARD, JR., ESQ. and the Court having read and considered all of the
26 papers and pleadings on file and being fully advised in the premises, and good cause appearing
27 therefor, the Court hereby grants the motion in part and makes the following findings of fact and
28 conclusions of law:

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

1. On November 26, 2012, the Court heard oral arguments on Petitioner's motion to issue a writ of mandamus and compel Respondents to produce logs of collect phone calls made by all inmates in the Clark County Detention Center ("CCDC") in 2011 and 2012 to all bail agents through use of the phone system installed in CCDC and operated by a Century Link, a private corporation who has contracted with Respondents.

2. The contract between Century Link and Respondents allows Respondents to receive a portion of the collect charges.

3. Upon inquiry of the Court at the hearing, counsel for Petitioner represented to the Court that the information was not needed for any marketing reasons but rather to verify phone calls made through the system intended to be received by Respondents were working properly.

4. Upon further inquiry of the Court at the hearing, counsel for Respondents represented that the subject logs are not kept by Respondents in the ordinary course of business and Respondents were unaware of the ability to generate such logs until after filing of Petitioner's motion. Respondents counsel further represented that they were informed by Century Link that the logs could be generated by them but they were not certain whether Century Link would assess any charges for running and producing the 2 year phone call log.

5. The Court, upon recommendation from Respondents, declined to order the production of the documents at that time but rather order that access be given to Respondents to enter CCDC under supervision and test to see that all phones available to inmates are working properly by placing a call to Petitioner's phone number and checking to see that it properly connects to that number.

6. The Court further ordered that the manner be continued until January 29, 2013 to report on the CCDC site inspection and the phone check.

7. On January 29, 2013, the Court heard from the parties as to the results of the site inspection and further heard oral arguments on the motion to produce two years of CCDC inmate phone records.

1 8. Petitioner's counsel reported that they had access to all phones in operation at the
2 time and all phone calls to Respondents' office worked appropriately; however, counsel
3 reiterated it still wanted to receive the phone logs for the two year period to check to see if the
4 phones were working on that particular day.

5 9. Upon inquiry from the Court of exactly what information was still requested,
6 Petitioner's counsel limited the request to phone calls just made by inmates to a list of all bail
7 agents in Clark County for the calendar years of 2011 and 2012 (but not limited to Petitioner's
8 bail agents alone).

9 10. Petitioner's counsel further represented that it would accept redaction of
10 identification numbers and the names of the CCDC inmates and Petitioner would be responsible
11 for any costs associated with producing this report.

12 11. Respondents argued the concern raised by Petitioners has been extinguished
13 through the site inspection and the request seeks records that are not public for purposes of NRS
14 Chapter 239.

15 II.
16 ORDER

17 1. The Court, finds upon balance, that the requested records request, as limited by
18 Petitioner, falls under the public records definition of NRS Chapter 239 – although the question
19 is a close one and the public interest in these documents is not weighty.

20 2. Petitioners shall be responsible for all costs associated with the production of this
21 report charged by Century Link to Respondents, if any.

22 3. The report produced shall be in the form capable to be produced by Century Link
23 without Petitioners having to convert the information to any particular format.

24 4. The Court will afford Respondents two weeks from the entry of this order to
25 produce to Petitioners the requested report containing information of all phone calls placed by
26 CCDC inmates in 2011 and 2012 to the list of bail agents currently posted in CCDC.

27 ///

1 5. The names and identification numbers of the inmates shall be redacted from this
2 report.

3
4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that

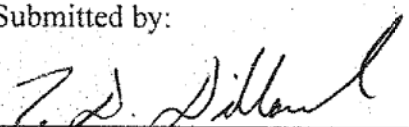
5
6 DATED this 5th day of ~~February~~, 2013.

7 March

8 IT IS SO ORDERED.

9
10 
DISTRICT COURT JUDGE

11
12 Submitted by:

13 
14 THOMAS D. DILLARD, JR., ESQ.
15 Nevada Bar No. 006270
16 9950 West Cheyenne Avenue
17 Las Vegas, Nevada 89129
18 Attorneys for Defendants LVMPD
19 and DOUGLAS C. GILLESPIE
20
21
22
23
24
25
26
27
28