IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Appellant, vs. LAS VEGAS REVIEW-JOURNAL, Respondent.	Case No.: 78967 Appeal from the Eighth Judicial District Court, The Honorable Joe Hardy Presiding.

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APPELLANT, LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S, APPENDIX, VOLUME 5
(Bates Nos. 870-1119)

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Exhibit D

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

Seventy-Seventh Session
February 7, 2013

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:01 a.m. on Thursday, February 7, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

Assemblyman Munford:
In A.B. 65, where is the violation in terms of the Open Meeting Law?

Chairwoman Benitez-Thompson:
Will this be testimony specific to A.B. 65?

Tonja Brown:
Well it is to A.B. 65, but it is dealing with everything they are asking for. I went through and I have looked at some of these things in the NRS. They are going after any and all boards and committees. If you pass one, there is another one that is going to come along, so it really will not matter if you pass or kill one bill, it is going to come up in another bill.

Chairwoman Benitez-Thompson:
I just want to make sure we get the testimony in the right spot for the legislative record.

Tonja Brown:
During a wrongful death suit, newly discovered evidence came out of discovery. This would affect the Legislature. I do not know if you are aware of the computer glitch that came out. The Assembly Judiciary Committee is going to be receiving the audit from LCB. This was information that came out of a deposition and came out of prison records. It was hidden from 2007. It put false felony charges in the inmates' files. I tried to present this documentation at the Board of Prison Commissioners' meeting. It was a part of the settlement agreement that these documents were not confidential. However, the Board of Prison Commissioners is claiming confidentiality due to the settlement agreement, which it is not. If you go to the Board of Prison Commissioners' meeting, December 5, 2011, you will see they put a clause there claiming confidentiality. They are violating the Open Meeting Law, and they are also violating my free speech. I believe any and all of these Open Meeting Laws should be killed and not proceed forward because this is another avenue for the Attorney General's Office to circumvent laws. I think we need to just keep them the way they are and make no changes. I will get into this a little later on.

Chairwoman Benitez-Thompson:
Is there anyone else wishing to put testimony on the record in opposition? [There was no one.] We will move on to neutral. Seeing none, I will close the hearing on Assembly Bill 16 and open the hearing on Assembly Bill 31.

Assembly Bill 31: Revises various provisions relating to public records. (BDR 19-211)

Keith Munro, Assistant Attorney General, Office of the Attorney General:
With me is Jeff Kintop from the Division of State Library and Archives. Mr. Kintop's office contacted our office to see whether they could join forces with us on this legislation. I believe they have a proposed friendly amendment to the legislation, as well.

This bill proposes changes to NRS Chapter 239, the Nevada Public Records Law (Exhibit E). The intent of this legislation is to provide procedures for members of the public seeking access to records and for agencies responding to public records requests in a timely, consistent, and efficient manner (Exhibit F).

There is a lot of confusion for both citizens and government agencies when dealing with the Public Records Act. Sometimes it has resulted in litigation, which can be costly and time-consuming, and defeats the purpose of the act. For example, recently in the Reno newspaper case against a former governor [*Reno Newspapers, Inc. v. Gibbons* 266 P.3d 623 (2011)], the litigation took four years. That was a substantial use of court time and state resources. Both public agencies and the public should have better clarity as to the process. Disagreements should not be left to expensive litigation.

Our office has brought this bill because there needs to be a process that everyone has a better understanding of. Coming to you, the Legislature, our state policy makers, is an available avenue to bring some clarity to the situation. We think there should be some dialogue on the Public Records Act. I will give you an example. There is not a definition as to what a "public record" actually is in the Public Records Act. Imagine that. We have a public records law, but not a definition as to what a "public record" is. I am here today with this bill because I think we need to start some dialogue.

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared to be confidential, are required to be open at all times during office hours for inspection and copying by the public. This bill, this proposed legislation, does nothing to change that, nor is it intending to change any of that. There should remain a presumption of openness and this legislation should not be read, construed, or interpreted to change any of that.

Section 1 requires the head of each agency, bureau, board, commission, department, division, or any other unit of the Executive Department of state government to designate one or more of its employees to act as a records

manager for the agency, who will be responsible to the public for handling a request for public records of that agency. We received a request from the Division of State Library and Archives saying that instead of using the term "records manager" that we use the words "records official." We offered that amendment (Exhibit G) and it seems to be pretty reasonable.

Section 1 requires the Office of the Attorney General to prescribe the form to be used for requesting a public record from an agency, the form to be used by an agency to respond to such a request, and the procedures to be followed by records managers to respond to requests. These forms and procedures will go through the traditional regulation process so that the Legislative Commission will have final approval as to the process. This will be a default procedure. An agency may choose to develop its own form or procedure. But an agency choosing to use the forms and procedures approved by the Legislature, will know they are handling a public records request in an appropriate manner. They will be in a safe harbor (Exhibit G).

Section 1 further requires that each agency must make the forms and procedures available on the agency's website, so the public knows how they are handling public records requests. The Division of State Library and Archives requested that they be included with the Office of the Attorney General in being charged with developing this form and a procedure. We offered that amendment as well (Exhibit G). It seems pretty reasonable. Some agencies should develop a form that can be used. I will be honest with you, our office would be fine if another agency were substituted for developing the form and procedure. But we are willing to step up and address the problem. We are glad that Library and Archives is stepping up with us.

Section 3 codifies with NRS 390.010 a list of all existing statutory exceptions to the Public Records Act, so that everyone in the public knows where they are and where to find them. There are a number of exceptions to the Public Records Act that appear throughout the *Nevada Revised Statutes* (NRS). We propose that legislative staff compile them in one place within the NRS so that it is clearly set forth which public records have been declared by the Legislature to be confidential. These exceptions should be listed in one place, rather than having them strewn throughout 700 chapters in the NRS. If you note, there are quite a lot of them. We thank Legislative Counsel Bureau (LCB) staff for its diligence in finding all the ones that they did. I had our staff print it out. It looks like a phone book.

When we were looking at this bill in the last couple of days, we noted a couple of omissions that we would like to be amended into the bill, that are existing law and should have been in this list. We did not intentionally leave any

existing out, and if we missed any, we are happy for anyone to identify them. A couple of them we found we missed are NRS 1A.110, NRS 287.0438, and NRS 286.110. We previously provided that to this Committee (Exhibit H).

The rest of section 3 and section 4 codifies a common law balancing test by which governmental entities determine whether to disclose certain books and records of the entity. It also codifies the requirements set forth by the Nevada Supreme Court as to what an agency should do when denying a request. We believe working with legislative staff that these are taken from existing precedent of the Nevada Supreme Court.

Prior to this session, our office met with Mr. Smith from the Nevada Press Association, who testified earlier, regarding improving the public records process. We have worked with Mr. Smith on this process, concept, and this legislation. He expressed some disagreement as to the Nevada Supreme Court holding set forth in section 3 and section 4. In light of this disagreement, we will propose the deletion of these portions of the legislation (Exhibit F). We want to tackle all the things we can agree upon and do not wish to defeat the opportunity for clarifying the exceptions, hopefully beginning to develop a process for handling these matters. We will continue to advise state executive officers and agencies in conformance with Nevada Supreme Court holdings.

That will conclude my presentation. I will be happy to answer any questions.

Chairwoman Benitez-Thompson:
You held up what you referenced was the bible of Open Meeting Law statute. That was just handed out to the Committee (Exhibit E). Thank you so much to Committee staff, especially Bonnie Hoffecker, who was back there working a copy machine for the past 30 to 40 minutes. I just want to make sure, as we walk through the legislation, we do not get sidelined about debates of the merits of each one of these NRS. They have been contemplated by the Legislature, passed by the Legislature, but certainly we will welcome the comments about whether or not they should be included or excluded. I just do not want to get into the merits of each one of these specific statutes cited.

With that, I am open for questions from the Committee.

Assemblywoman Neal:
I have three questions in section 4. Your amendment deletes the entire section. You stated it would be better to delete the section for clarity. I assume, in deleting this section, you now want everyone to read the Supreme Court Case, *Reno Newspapers v. Gibbons* 266 P.3d 623 (2011). In the original bill, you had

actually deleted one of the provisions that were in the case, which was a citation to the specific statute that must be in the form. So now we are going to read the case? Is that how we are going to work out issues now?

Keith Munro:
We are reading the case already. We have no process. We want to get a process and get that ball rolling. We think by coming to this body and asking agencies to identify who is going to handle this, will get the ball rolling. I noted there were some fiscal notes by agencies and I thought to myself, this is something you are already supposed to be doing. You are putting a fiscal note for something you are already supposed to be doing. What we want them to do is start getting a process together, because we are serving the public. Agencies develop a few people with some expertise. If someone is out or on sick leave, who is going to do these things for you so the public will know who to deal with it?

I had the privilege of talking with Assemblyman Daly before. I worked with Assemblyman Daly before he was an assemblyman, when he was just Skip Daly with the unions. He confided to me he will go to an agency now that he is an assemblyman and someone will say, who are you? What do you want this stuff for? No. We should not have that. We want to take some baby steps.

Assemblywoman Neal:
Okay. My second question is regarding your adding a section in NRS 378.290, which directly relates to the archivist duties under the Governor's records. We just had this bill yesterday, Assembly Bill 45, which said they now want access to things that are privileged and confidential. Now you just took a section of their area and you made it confidential.

Keith Munro:
I do not believe we did that. We are not trying to change, as the Chairwoman said, any existing confidential statutes that have been passed by this body. As I noted in my testimony, no one has stepped up and said we need to establish a process. We are stepping up because we do not have one. When Library and Archives, which deals with records, said we want to help you, we said come on into the rowboat.

Assemblywoman Neal:
Okay, maybe I was confused. I thought section 3 added exemptions of what was now going to be considered confidential so the public could be clear on what is now privileged and confidential.

Keith Munro:
I am looking at the section. Tell me exactly what you are looking at.

Assemblywoman Neal:
It is on page 4, line 27. It is the fifth NRS in that line, NRS 378.290

Keith Munro:
I will be honest with you. We relied upon your staff to identify all the existing confidential statutes. I did not go through and pull all these myself. To the extent there is a mistake about existing law in here, we are open to fixing that.

Assemblyman Elliot Anderson:
I just wanted to let the Committee know, when I was reviewing this bill on Sunday, I reached out to the Attorney General's Office and then to our own Legal staff. They provided me with a listing of all the statutes listed in section 3, and also a brief description, so we have a better idea of what all of those citations are. I did pull up a few of them. I was not clear as to exactly how they figured out all these things. They do not exactly say explicitly in each individual statute, that it is exempt from the open records law. They have different verbiage about confidentiality. That was sort of confusing. I took this document and sent it around, so now it is going to be on the Nevada Electronic Legislative Information System (NELIS) so the public and everyone else can see it so we have more of an idea of what is out there (Exhibit I). To look through that many citations is a lot of legwork. Since Legal had already done that legwork, they were kind enough to put that in a table for all of us to look at. I wanted to make the Committee aware of that for our deliberations, because I think it will help. It has helped me get a better handle on this bill.

Secondly, I just wanted to clarify that your amendment is to get rid of the balancing test. To be clear, that is already current case law, right? I did review the case law on the matter and the balancing test is nearly identical, if not exactly the same, to what you have now taken out. We are removing an amendment, but it is still law. Is that correct?

Keith Munro:
We tried to make it very clear based on the case. With all Supreme Court cases, there can always be quibbling as to what that really means. It proves the point on why we need to bring this bill. We need to have a dialogue about this issue. I was shocked at how many exceptions we have. One of the persons in the audience, Andrea Engleman, made the suggestion to put the title to each of those statutes. We would be fine with that. The answer to your question is yes, it is existing law, but it is Supreme Court law. That is difficult

to understand. What we want to do is start making the process of public records in the statute that the Legislature has approved.

As Assemblywoman Neal was indicating, or I think she may have been indicating, to go on one fell swoop. I am not sure we can get it done in one fell swoop. We think it is best to get the ball rolling and get it started.

Assemblyman Oscarson:
I also had the chance to review a little bit and talked to Mr. Kandt about it, and I made a phone call earlier this week. I see this as an opportunity, in respect to boards and commissions because that is where my experience is, to really clear up some things when it comes to records requests. That is one of the things that happens with boards and commissions, sometimes there is some ambiguity as to how that should happen and what should happen. I applaud the effort to have you appoint someone to do that. We also discussed the forms and how that would work. Your offer to put together a form for some of the smaller boards and commissions, I think, would be appreciated. When that is standardized, it would be blessed by you, so to speak, and would work for the public. I appreciated the opportunity to have visited with you about this and I think this is good stuff.

Assemblyman Livermore:
I have to say, gentlemen, after I read this it gives me the idea of putting the Office of the Attorney General in charge of public records. Maybe that is the right place, but I am not sure. I always assumed the Archives was the right place for it. As we develop this form, I am hoping that we have concern for the public's ability to pay for records that are available to them. I can imagine an individual trying to seek documents and being asked to pay $4 a page. I would hope we have concerns for the public and have a reasonable ability to recover whatever your department costs might be. That is not part of the discussion, but I just want to put that on the record. I have concerns about how the public will pay and obtain these records.

Keith Munro:
Assemblyman Livermore, we view ourselves as problem-solvers and we have seen a problem here. To the extent you want to kick us out of the process, you can, because it is going to be a tough one. But someone had to step up. We are appreciative of Library and Archives saying they need to be in there too. If LCB wants to step up and develop the form, that would be good.

Jeffrey M. Kintop, State Archivist, Nevada State Library and Archives:
We inserted the State Library and Archives administrator in this proposed statute because it has the authority to create regulations regarding public

records and records management under NRS 378.255. That is why we are in this with the Attorney General, because we can say how records are managed and how long they need to be kept, but we have no enforcement or legal guidance in what records need to be released. We can help develop a methodology as to how these things are considered and how they are answered.

Keith Munro:
If we see some fiscal notes where people merely identify someone to handle the records, which is something they should already be doing, if we had put some other agency in there to do it, we would have seen a fiscal note this big and it would have killed our bill. So we put our name in there, but we think someone should step in.

Assemblyman Livermore:
If records could be obtained digitally and printed at home, that might relieve some of the fiscal note. Let me just say, I have had constituents who have contacted me about going down to the local recorder's office and having to pay $2 per page for a Deed of Trust. That does not sit well when you have someone who is asked to pay perhaps hundreds of dollars.

Keith Munro:
As you know, the process goes through the Legislative Commission that you sit on. You may have a chance to put something in there on that.

Assemblyman Daly:
You are proposing to take out the parts that cause me the most concern. I have spoken with former Senator Terry Care and I asked him to give me the case because I would like to read about how we got to the balancing test anyway. I know my colleagues from southern Nevada say that is the current law under the Supreme Court. I want to read the case because I cannot, for the life of me, figure that out. The law is clear. Unless it is otherwise declared to be confidential, it is not confidential. A couple of other questions, and I would hope that we can clarify the law, because that court case would be rendered moot if we changed the law and made it more clear. Then that would not be the law anymore. I do not like it when the courts make law. That is my opinion.

Just to clarify one thing, too, if you will indulge, Madam Chairwoman, I am still just regular Skip Daly. For the record, I make it very clear when I am talking to someone as a legislator, in my regular working position, or just as a citizen. I always make that very clear.

Can you explain further why you add in the definition of what a state board is, et cetera, but you exclude the Nevada System of Higher Education? We do not want there to be any confusion that someone would claim they are not required to comply with NRS Chapter 239. Also, in NRS Chapter 239, we are trying to set up a person within each agency to be the record controller, take the requests, et cetera. I know from previous legislation about putting it in writing or you cannot ask for it. They have to respond within five days. If they deny it, they have to provide you with the law that denies it, et cetera. We also have another provision that I was just trying to look it up, but I did not get to it in time. I believe it is NRS 239.010 that says these records are open during business hours for public inspection and you do not have to make a written form. You do not have to do all this stuff. I would like you to shed a little light on the form, the process, and the regulations that you are going to try to propose to accomplish some of that. I do not want to make it a harder process. If you are there, the documents are there and it is open to the public. You should be able to go there, look at it, and have no charge because you do not want to make a copy of it. Is that still going to be in place and not changed by your deal? Of course, then we have to educate people that they have to do that, but that is another story.

Keith Munro:
That is explicitly why we put in here that the Legislative Commission will approve that procedure, so you will have the ability to ensure that your statutes continue to be enforced.

With respect to the Nevada System of Higher Education and local governments and why we did not include them in this bill, we were not looking for any fights or any more fiscal notes. We think if we start with Executive Branch agencies, that is a good start. We are hopeful that if this bill passes, in subsequent legislative sessions some of those entities may step forward and say, well we have identified a records officer; we have some forms. Hopefully, that form will be approved by the Legislative Commission.

As to the Supreme Court case and how those came into effect, the Legislature sets the law in this state. However, there has been a vacuum when the law is not clear and the Supreme Court has stepped in. This body has not stepped forward and said, we are putting forth our opinion as to what we meant in the Public Records Act. If you recall in my testimony, I said this Committee is an avenue for solving these problems without expensive litigation. That is why we brought this bill, to empower this Committee to put its thumbprint on the Public Records Act, to make sure it has more clarity, more openness, and that it works better. We are provided, at the end of the day, a big catcher's mitt, the Legislative Commission, to approve all that.

Assemblyman Daly:
I know. I am not arguing with you, Mr. Munro. I presume there was a public records request and someone used whatever discretion they thought they had, denied it, and then there was a case that came from that, and the court put in a balancing test. I guess we can restate it and I will work to do that. I do not know how much clearer you can be. Unless it is declared otherwise by statute to be confidential, it is not. I do not know how clear you can be. I do not know why the court came in and said they had any authority to make any determination, other than what we have already said. So how they did that is why I want to read the court case. I understand we are saying we just wanted it cleared up so that no one could say the Nevada System of Higher Education, because we did not define them as a state agency for the purposes of this, that they do not have to comply with NRS Chapter 239. I just wanted to make that clear.

Keith Munro:
We are not saying that, and I do not believe they would say that either.

Assemblyman Livermore:
If a record is denied for process of an individual, does that mean you need to hire an attorney and go to court to get the record, or is that process for review?

Keith Munro:
I believe the process now is if the record is denied, go to court.

Assemblyman Livermore:
That is my point. I am not sure the general public may understand that or have the means and the way to accomplish that. I would suggest perhaps you have an avenue of review.

Keith Munro:
The procedure is adopted in the Committee you sit on.

Assemblyman Livermore:
I will do that.

Chairwoman Benitez-Thompson:
Mr. Munro, did you cover all of your amendments? They are currently available on NELIS.

Keith Munro:
I believe I did. I want to thank the Chairwoman for the opportunity.

Chairwoman Benitez-Thompson:
We will open it up for testimony in support of the bill. Once again, for clarification, support is classified as supporting the bill with amendments from the bill's sponsors, as presented just now to the Committee.

James R. Wells, Executive Officer, Public Employees' Benefits Program:
I am here in support of this bill because I believe a standardized process for a public records request would be very beneficial to state agencies. Coming from several state agencies that have had to create their own process, it would be much easier if there were a standardized process that had already gone through the format and provided us with the necessary tools, without us having to recreate the wheel, so to speak. I am very appreciative of the Office of the Attorney General adding our public records exception in NRS 287.0438, which does exclude the files of our individual members from the public records documents. We wanted to make sure that was included in the list in section 3. I am pleased that the Attorney General has amended that. I would be happy to answer any questions.

Barry Smith, representing the Nevada Press Association:
I am in favor of A.B. 31 with the amendments proposed just now by the Office of the Attorney General. I very much appreciate working with Mr. Munro on some of these issues. Just in the discussion that I have heard so far, you get an inkling of some of the problems that we run into from the point of view of a reporter or the public in general. How do I make a records request? You can make it pretty much as simple as you want to, with an email, a written notice, or so on. From the other end, how does an agency respond to a records request? Either they have no established procedure or the procedures are all over the map. We thought it would be a good idea to try and bring some order to the process so people would know what to expect on either end. As it was pointed out, the recourse is to go to court. If we can solve some of these problems, I think the approach is to do it incrementally, do what we can agree on to get it accomplished, to improve the process without going to court. There are a lot of good ideas that have come up, intermediary steps, other offices being involved, and so on. We thought we would approach it with what we can get accomplished. Again, the section that lists all those exemptions, it is kind of frightening, but it was even more frightening to think, as Mr. Munro pointed out, that those were just scattered throughout the statutes. Anytime someone asks if that was an open record, my opinion was they should be gathered under the open records section so you could check. If there is an exemption right there, I can read it and find out.

The discussion over the balancing test and the Supreme Court's ruling is an excellent one. We could go on for hours because we have a different

interpretation than some of the state agencies do over what that ruling said and how it is interpreted. We are not going to get into that, but it is certainly a discussion that this Legislature needs to have and should address. It is one of the key issues with the records law.

I will conclude, because most of what I wanted to say has been covered. I would be glad to answer any questions.

Assemblyman Ellison:
Do you think the amendment with the caveat can help bring this bill together?

Barry Smith:
With the amendments, yes. I had some concerns with some of the language that was in there and how that might be interpreted. We are not going to argue over those.

Assemblyman Ellison:
I agree.

Assemblyman Elliot Anderson:
It is good to see you Mr. Smith. I wanted to get into your opposition to that balancing test. I am assuming you were opposed to that originally. I have not really quite understood the opposition because we are not putting our own spin on it. Literally, the Digest says, which I think is the best expression of legislative intent, we are just codifying the standard. We are not putting our own spin on it. Either way it is law and we are simply putting it in the statutes so it is more visible for your average person. It creates that standard that you do not have to be legally trained to understand. I am a little confused about the opposition because the case law that we are codifying is relatively favorable for open records advocates. We all know the story behind the latest case in the line of authority. I was just wondering why that was a stumbling block for you?

Barry Smith:
Quickly, what the disagreement is, is the court talks about a balancing test and applying a balancing test. I think the basic disagreement is over who applies that balancing test. In one reading of the court opinion, and there are two or three that mention it so I would encourage you to go ahead and study it, the court applied a balancing test. The disagreement that we have is that administrative agencies would apply a balancing test. That is a huge gulf in the interpretation of what that ruling said. That is why we are not going there.

Assemblyman Elliot Anderson:
I understand that the administrative agencies will always be the first to interpret it, because they are always going to be first requesting public records from an administrative agency. You are not going to be going to the court first. You are going to try to get the record and if you do not get the record, then you would file a suit, as was done in the previous string of cases. It is what it is. Because if you have agreed to take it out, then it is what it is. It just did not make any sense to me when I read the case law over the weekend. It appeared to be a pretty favorable standard. I will leave it at that.

Jennifer DiMarzio-Gaynor, representing the Nevada Press Association:
I would like to add an extra comment to Assemblyman Anderson's question. Not only is there disagreement over who is doing the balancing test, but I think Assemblyman Daly said it best. Right now, the law is fairly clear that unless there is a statute or legal authority that makes something confidential, it is a public record. I do not think it can get any clearer than that. To codify the Supreme Court decision would basically give the agencies statutory authority to do their own balancing test, and it adds a lot of gray area. We appreciate that the Office of the Attorney General has agreed with us to take this language out because we think it muddied the waters more than it added clarity. Thank you.

Chairwoman Benitez-Thompson:
Would you like to officially make your statement?

Jennifer DiMarzio-Gaynor:
As Barry Smith said, we support this bill with these amendments, in particular that amendment. It is very important to us.

Tonja Brown, Private Citizen, Carson City, Nevada:
I would actually like to see an amendment to this that has not been brought up. I would like to see all state and federal courts deem what is confidential and what is public record when it pertains to inmates and the public records. As an example, I have seen litigation over the years with Nevada Department of Corrections (NDOC) inmates in which they will successfully litigate and win against the state. The Office of the Attorney General will take those documents and keep them confidential. They are not confidential. If another inmate comes up with another similar lawsuit or they are not in compliance with that ruling, the inmates are not allowed to have any other information dealing with inmates. It is basically costing the taxpayers even more money to go with ongoing litigation that has already been decided because the inmates do not know. It needs to be public record.

Again, with the confidentiality thing, like I said, in this wrongful death suit that I have, the courts deemed what was public record and the majority of it was public record. I took it over to the Board of Prison Commissioners on December 5, 2011. It has been 14 months. They still have not placed those public records on the public website. However, I have taken those same exact documents to the Advisory Commission on the Administration of Justice. It was not a problem having them confidential. There are issues here. I think if we just outline what it is and get the courts, state and federal, because you have a case, whatever the case is, it says these are confidential then they will remain confidential. Do not leave it up to the boards to use that discretion because they will deem them fit, just like the Board of Prison Commissioners and the Office of the Attorney General are doing with my public records—claiming confidentiality when they are not, violating the Open Meeting Law, and violating my free speech.

Again, on behalf of the inmates, they should be a part of this because we, as taxpayers, are paying for this litigation. They are being totally excluded from any of this. I would like to state that years ago, there were members of our Legislature who asked the Attorney General's Office how much money we have spent in litigation against NDOC inmates. Millions and millions of dollars are spent in litigation and they cannot account for how much money is being spent. I think an audit of the Attorney General's Office should be conducted to find out how many millions of taxpayers' dollars we are spending to file the same type of suits. Religion is a prime example. They win, they win, and they do not conform with it. Thank you.

Chairwoman Benitez-Thompson:
Are there any questions? [There were none.] Is there anyone else wishing to testify in support of the bill as written and as amended by the bill's sponsor? [There was no one.] We will move to those who oppose the bill. Anyone who is bringing an amendment that is not supported by the bill's sponsor or who has any problem with any section of the bill, please come forward and state your name for the record.

Jack Mallory, representing International Union of Painters and Allied Trades, District Council 15, Southern Nevada Building and Construction Trades Council:
I will try to keep my comments brief because many of the comments have been made by members of the Committee, including Assemblyman Daly, Assemblywoman Neal, Assemblyman Livermore, and others, who I tend to agree with. As stated by Assemblyman Anderson, and particularly Assemblyman Daly, I think it is this body's opportunity to clarify the law, as far as how it is the governmental agency can actually state that a record is

confidential. By punting, if you will, and removing the originally proposed language, to which we were opposed to begin with, and relying on the standard that was established by the Supreme Court and the guidance that was given regarding this, I honestly think that going either way with it, you are going to create a more litigious situation. As has been stated, governmental agencies, whether they are at the executive level or the local government level, arbitrarily decide, on a regular basis, what they think is and is not confidential records and either choose to disclose or not disclose, accordingly. I view this, on behalf of those that I represent, as an opportunity for the Legislature to clearly delineate not only what records would potentially be deemed to be confidential, but also a process for determining prospectively what records could be deemed confidential moving forward.

Chairwoman Benitez-Thompson:
Are there any questions for Mr. Mallory? [There were none.] Just for clarification, you are standing in opposition to the amendment presented by the bill's sponsor?

Jack Mallory:
Correct, and that portion of section 3 of the bill as originally drafted.

Chairwoman Benitez-Thompson:
Section 3 as originally drafted and then the amendment?

Jack Mallory:
The amendment that has been offered by the Office of the Attorney General, which deleted that section that they had proposed to be inserted into statute.

Chairwoman Benitez-Thompson:
So opposition to how it was originally drafted and opposition to the amendment on that section as well?

Jack Mallory:
Correct.

Chairwoman Benitez-Thompson:
Are there any questions? [There were none.]

Andrea Engleman, Private Citizen, Carson City, Nevada:
If I might, Madam Chairwoman, give a little background. I have been at the Legislature every session since 1981. In 1983, I went to work for the Nevada Press Association as their Executive Director. I will be testifying on the open

meeting bill also. Many of these issues occurred while I was Executive Director of the Nevada Press Association.

The Donrey case, *Donrey of Nevada v. Bradshaw,* 106 Nev. 630,798 P.2d 144 (1990) was one where the newspapers sued to get information which had previously been confidential. The court chastised us in a way, sort of slapping the hand of the press, by saying there is no definition of a public record and because there is no definition of a public record, here is what we are going to do. We are going to open up these records, but there is a balancing test that the courts should be doing. Evan Wallach, who was our attorney at the time, explained that only judges, only courts, were supposed to be doing the balancing test, not an executive branch agency, a local government, or anyone else.

I do support the amendments that were proposed by the Attorney General's Office. We think that is a movement forward.

One of the things you should know is that in 1991-92, there was an interim study done. Then Assembly Majority Leader Gene Porter brought that study and we studied public records. In 1993, we came back to the Legislature with a proposed definition of public records. The day we held the hearing, my attorney, myself, and Assemblyman Porter, walked into a room that had, we found later, 140 public employees objecting to the definition and the law did not pass in that session. I think the teachers' association was most concerned that personnel records would become open and so forth, under that definition. Assemblyman Porter said going after public records is really tough, because you have to balance the public's right to know, government's desire to keep some things confidential, and the public's right to privacy. It is a delicate balancing test and we need a definition. I am more than happy to sit and work with the Attorney General and with Barry Smith, who does a fantastic job now running the Nevada Press Association, and others to perhaps come up with a definition of a public record.

Yes, we need a process, but I am worried about these forms. Right now to do an Open Meeting Law complaint, they make you use a form and the form does not always fit the complaint. A lot of times, I will just write "see attached" at the top of the form. Not everyone has a computer, particularly senior citizens who are used to walking in and getting public records in some places. Suddenly, they are going to have to find a form that they have to fill out first in order to get access. Then, in some cases, if they cannot print it out, someone else will print it out and then charge them $1 for providing a form to them. I am a little concerned about that process, and I am concerned about it being in the Executive Branch, because next we will have local governments come in

and say now we need to have some process for us. I am concerned about that. I am happy to work with them to see if we can come up with something else.

Chairwoman Benitez-Thompson:
Are there any questions? Is there any further testimony in opposition?

Tonja Brown:
Section 4, subsection 1, paragraph (d), subparagraph (2) of Assembly Bill 31:

> General factual description of the public book record . . . and a specific explanation for the denial of the request unless the government entity demonstrates that the person requesting the public book or record has sufficient information to meaningfully contest the claim of confidentiality of the public book or record by the governmental entity without such a description and explanation.

They will use this every single time that an inmate requests a case that another inmate has won, costing the taxpayers even more money. Personally, as far as the inmates would go, they would oppose this bill. Thank you.

Chairwoman Benitez-Thompson:
Are there any questions from Committee members? I know we have some folks in Las Vegas who want to testify. I just want to provide an opportunity for anyone in Las Vegas who wants to testify on this bill. I believe the person in Las Vegas is signed in as neutral for this bill. I have one more person in Carson City who would like to testify in opposition. After that, we will move to neutral and we will get your testimony.

Philip A. Olsen, representing Civil Rights for Seniors:
I am actually signed in as neutral for the bill, but now that I have heard the clarification, it is more appropriate for me to speak in opposition to the bill, since I am proposing an amendment (Exhibit J).

I represent Civil Rights for Seniors, a Nevada nonprofit corporation. As its name implies, my client advocates for civil rights for seniors. Civil Rights for Seniors proposes an amendment to A.B. 31 to clarify that the records of the Administrative Office of the Courts (AOC) come within the purview of the Public Records Act. As it currently reads, the Public Records Act applies to the books and records of all governmental entities, which is defined to include all units of government of the state. To me, it is crystal clear that the Public Records Act, as it reads, applies to the records of the AOC. Unfortunately, that fact is not crystal clear to the AOC. The AOC does not permit inspection of its records under the Public Records Act, contending that the Public Records Act has no

application to the Judicial Branch of the government of the State of Nevada. Nor is it clear to the District Court in Carson City that the Public Records Act applies to records of the AOC.

In a recent case in which my client, Civil Rights for Seniors, is the petitioner seeking access to records of the AOC, the District Court held that the Public Records Act has no application to the Judicial Branch of the government of the State of Nevada. This is important to my client, Civil Rights for Seniors, because the AOC is the mediation administrator, designated by the Nevada Supreme Court under the Foreclosure Mediation Law, adopted by the Legislature in 2009.

The mediation administrator has very important powers and, in fact, controls who can and who cannot proceed with a nonjudicial foreclosure in the State of Nevada since no such foreclosure can occur without a certificate issued by the mediation administrator. The mediation administrator issues such certificates based upon information provided to the administrator from foreclosure mediators. The practical effect of the secrecy policy of the mediation administrator is to insulate the AOC as mediation administrator from any public scrutiny with respect to its administration of the foreclosure mediation program, including the all-important decisions made by the AOC as to whether or not an individual or company, a bank, or a lender, can proceed with a nonjudicial foreclosure. This ability to scrutinize the governmental entities of the state is essential to open government in any democratic society. But because of what the AOC seems to think is a loophole in the Public Records Act, the public has no ability to scrutinize the decisions, policies, and actions of the AOC in its capacity as mediation administrator.

I welcomed the comments from Mr. Munro about holding dialogue about the Public Records Act. I would like the record to reflect that my client, Civil Rights for Seniors, wishes to be included in the dialogue.

I will briefly mention, in response to some of the comments made by Assemblyman Daly and Assemblyman Livermore earlier regarding the cost of obtaining public records, Civil Rights for Seniors requested to inspect the records of the mediation administrator. The mediation administrator, as I mentioned, took the position that the records were not subject to public inspection under the Public Records Act. They went on to state that if the court disagreed with us on that point and ordered the records to be subject to public inspection, in other words allowed us to look at the mediation administrator's files, we would be charged a fee of $940,000 to inspect the records. This is an issue that needs to be addressed and should be part of the dialogue that Mr. Munro proposes.

With that, I will welcome any questions and also offer to meet informally with any members of the Committee at any time.

Assemblywoman Neal:
Did this incident happen before or after the case?

Philip Olsen:
Which incident?

Assemblywoman Neal:
The one with the $940,000 charge.

Philip Olsen:
In the context of the case, the AOC filed documents with the District Court in Carson City as a Rule 16.1 Disclosure, which was essentially an estimated cost of making the records available, which was $940,000. To explain a little bit more, the AOC takes the position that the names of those Nevada homeowners who are in foreclosure, whose names are a matter of public record because the Notice of Default and Election to Sell is recorded in the public records office, but who choose to participate in mediation, are confidential. Therefore, in order to allow us to look at the records of the Foreclosure Mediation Program, thousands and thousands of pages of documents would have to be photocopied, at a cost of $1 per page, and then a clerical person would have to go through those records to cross out the name of everyone whose names were on the records. That would make the records useless to us, because it would be impossible to correlate any single mediator statement with any certificate issued in response to that mediator's statements, since the AOC does not have a case file or docket number system. The only way to correlate the two documents is by the name of the person. That is where the $940,000 comes from. The AOC routinely charges $1 per page for any records that they do provide. They did provide us with some of the records we requested and made them available to me in a conference room in the presence of an employee of the AOC. I brought along my own portable scanner to scan the documents that I was interested in. I was informed that under no circumstances might I use my scanner to make copies of those records. If I wished a copy of any record, I was to put a paperclip on it and allow the employee to make a copy. I would be charged $1 per page. I suggested that perhaps the employee and I could walk downstairs to the Supreme Court Library and make the copies at ten cents per page, because that is what the Supreme Court Library charges for copies. Based on the advice of legal counsel, the employee informed me that under no circumstances would that be permitted.

Chairwoman Benitez-Thompson:
Are there any questions from the Committee? We do have the letter you submitted to us on NELIS. You said specifically that you were going to propose an amendment.

Philip Olsen:
The letter I sent contained a proposed amendment (Exhibit J). As I looked at the bill more carefully, I realized that there is possibly a better place in the bill to put the amendment. Rather, that would be an additional place to add language, which would amend section 2, subsection 5, paragraph (b), where "Governmental entity" is defined as an institution, board, et cetera, or other unit of government of this state. As it now reads, the bill would add, "including, without limitation, an agency of the Executive Department . . . ." I propose to add, and the Administrative Office of the Courts."

Chairwoman Benitez-Thompson:
I think we have that clear for the record now. Thank you so much for your testimony. Thank you for your patience in Las Vegas.

Karen Gray, Education Researcher, Nevada Policy Research Institute:
I am very encouraged by what I heard this morning. I, too, have spoken with Deputy Munro about some concerns with this bill. I believe they have all been removed. However, I do not have a copy of the amendments here with me to know for sure. If I could just read the testimony that I had intended to enter into the record today, in case something comes back as this bill moves forward, it is on the record.

Chairwoman Benitez-Thompson:
Yes, go ahead.

Karen Gray:
For the record, my name is Karen Gray and I am a reporter with *Nevada Journal*, which is published by the Nevada Policy Research Institute. [Ms. Gray continued to read from written text (Exhibit K).]

Thank you for letting me get that on the record as this bill moves forward.

Chairwoman Benitez-Thompson:
Are there questions from the Committee? [There were none.] Thank you very much. Is there anyone wishing to testify as neutral on this bill?

Marla McDade Williams, Deputy Administrator, Health Division, Department of Health and Human Services:
We are neutral on this bill. We submitted a fiscal note. In my discussion with Mr. Munro prior to the hearing, we understand that the intent was not to impose a new burden on state agencies to hire a staff person for this activity. It just clarifies our existing responsibility. At this time, the fiscal note that we submitted does not apply. I am happy to answer any questions.

Chairwoman Benitez-Thompson:
Are there any questions from the Committee? [There were none.] I thank you for coming and getting that on the record. I appreciate it. Is there anyone else who would like to submit testimony as neutral? Seeing none, I will close the hearing on Assembly Bill 31, and I will open the hearing on Assembly Bill 65.

Assembly Bill 65: Revises various provisions relating to open meetings. (BDR 19-402)

Keith Munro, Assistant Attorney General, Office of the Attorney General:
With me is Senior Deputy Attorney General, George Taylor, who is our Open Meeting Law Deputy, and Special Deputy Attorney General, Brett Kandt.

Nevada has an Open Meeting Law to promote transparency in government (Exhibit L). The Legislature sets forth the parameters and guidelines for requiring that governmental meetings be open to the public. The Legislature has designated the Attorney General's Office to enforce the Open Meeting Law. The Office of the Nevada Attorney General enforces the rules that you establish.

I want to start by providing some background on the status of Open Meeting Law complaints. We have provided you our handouts (Exhibit M). As you can see from the handouts that were provided, since 2000 this office has handled 691 Open Meeting Law complaints, an average of 53 complaints a year—one a week. Between 2007 and 2009, we investigated an average of 49 complaints per year. Thirty-six percent of those complaints filed during each of the years between 2007 and 2009 resulted in a finding of a violation. During the last three years, beginning in January 2010, the Attorney General has investigated 131 complaints, an average of 44 complaints each year, with an average violation rate of 27 percent.

The Open Meeting Law evokes a lot of emotion. As you can tell by all the people in the meeting room, everyone wants open meetings; we are just not really clear on how we get there. It is the Attorney General's objective, with

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 7, 2013 **Time of Meeting: 8:01 a.m.**

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 16	C	Keith Munro, Office of the Attorney General	Letter from Special Deputy Attorney General, Brett Kandt
A.B. 16	D	Keith Munro , Office of the Attorney General	Proposed Amendment to A.B. 16
A.B. 31	E	Keith Munro, Office of the Attorney General	Public Records, Section 3
A.B. 31	F	Keith Munro, Office of the Attorney General	Letter from Special Deputy Attorney General, Brett Kandt
A.B. 31	G	Keith Munro, Office of the Attorney General	Proposed Amendment to A.B. 31
A.B. 31	H	Keith Munro, Office of the Attorney General	Proposed Amendment to A.B. 31
A.B. 31	I	Assemblyman Elliot Anderson	List of NRS listed in section 3 of A.B. 31
A.B. 31	J	Philip A. Olsen	Proposed Amendment to A.B. 31
A.B. 31	K	Karen Gray	Testimony on A.B. 31
A.B. 65	L	Keith Munro, Office of the Attorney General	Letter from Special Deputy Attorney General, Brett Kandt

A.B. 65	M	Keith Munro, Office of the Attorney General	Charts regarding Open Meeting Law
A.B. 65	N	Keith Munro, Office of the Attorney General	Proposed Amendment to A.B. 65
A.B. 65	O	Keith Munro, Office of the Attorney General	NRS Chapter 91.270
A.B. 65	P	Barry Smith, Nevada Press Association	Proposed Amendment to A.B. 65
A.B. 65	Q	P. Michael Murphy, Clark County	Proposed Amendment to A.B. 65
A.B. 65	R	Garrett Weir, Public Utilities Commission	Proposed Amendment to A.B. 65
A.B. 65	S	Scott Kipper, Department of Business and Industry	Written Comments
A.B. 65	T	Scott Kipper, Department of Business and Industry	Proposed Amendment to A.B. 65
A.B. 65	U	Andrea Engleman, Private Citizen	Nevada Open Meeting Law Manual (1977)
A.B. 65	V	Andrea Engleman, Private Citizen	Nevada Open Meeting Law Manual (1991)
A.B. 65	W	Tonja Brown, Private Citizen	Testimony

CHAPTER 1 - JUDICIAL DEPARTMENT GENERALLY

NRS 1.4683 **Confidentiality of proceedings and information and materials related to proceedings; issuance of explanatory statements; disclosure of certain information.**

1. Except as otherwise provided in this section and NRS 1.4675 and 239.0115, all proceedings of the Commission must remain confidential until the Commission makes a determination pursuant to NRS 1.467 and the special counsel files a formal statement of charges.

2. Except as otherwise provided in this section, before the filing of a formal statement of charges, a present or former member of the Commission, a present or former member of the staff of the Commission or a present or former independent contractor retained by the Commission shall not disclose information contained in a complaint or any other information relating to the allegations of misconduct or incapacity. Such persons:

(a) May disclose such information to persons directly involved in the matter to the extent necessary for a proper investigation and disposition of the complaint; and

(b) Shall conduct themselves in a manner that maintains the confidentiality of the disciplinary proceeding.

3. Nothing in this section prohibits a person who files a complaint with the Commission pursuant to NRS 1.4655, a judge against whom such a complaint is made or a witness from disclosing at any time the existence or substance of a complaint, investigation or proceeding. The immunity provided by NRS 1.465 does not apply to such a disclosure.

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

5. 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,

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

6. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, if the judge, a third person or the person who filed a complaint with the Commission pursuant to NRS 1.4655 has made the name of the judge against whom such a complaint is made public, the Commission may, at the request of the judge or on its own accord, issue an explanatory statement to maintain confidence in the judicial system and the Commission. In such a statement, the Commission may:

(a) Confirm or deny that a complaint has been filed;

(b) Confirm or deny that the Commission is conducting an investigation;

(c) Confirm that the Commission has dismissed a complaint with or without a letter of caution; and

(d) Confirm that the Commission has entered into a deferred discipline agreement with the judge.

7. In addition to the information authorized pursuant to subsection 6, a statement issued by the Commission pursuant to subsection 6 may correct any public misinformation concerning the disciplinary proceeding, clarify the procedures of the Commission relating to the disciplinary proceeding and explain that the judge has a right to a fair investigation and, if applicable, a fair hearing without prejudgment. The Commission shall submit such a statement to the judge concerned for comments before the Commission releases the statement. The Commission is not required to incorporate any comments made by the judge in the statement and may release the statement as originally drafted.

8. The Commission may, without disclosing the name of or any details that may identify the 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 Account established pursuant to NRS 353.266.

9. No record of any medical examination, psychiatric evaluation or other comparable professional record made for use in an informal resolution pursuant to subsection 4 of NRS 1.4665 may be made public at any time without the consent of the judge concerned.

10. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, the Commission may release confidential information:

(a) To the appropriate law enforcement or prosecuting authorities if the Commission determines that it has reliable information which reveals possible criminal conduct by a judge, former judge or any other person;

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Submitted by: Keith Munro

(b) Upon request to the Board of Governors of the State Bar of Nevada or other appropriate disciplinary authorities of the State Bar of Nevada if the Commission determines that it has reliable information that reveals a possible violation of the Rules of Professional Conduct by a judge, former judge or any other attorney; or
(c) Pursuant to an order issued by a court of record of competent jurisdiction in this State or a federal court of record of competent jurisdiction.
11. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, if a judge or former judge signs a waiver, the Commission may release confidential information concerning any complaints filed with the Commission pursuant to NRS 1.4655 that are pending or are closed and did not result in a dismissal to:
(a) An agency authorized to investigate the qualifications of persons for admission to practice law;
(b) An appointing or nominating authority or a state or federal agency lawfully conducting investigations relating to the selection or appointment of judges; or
(c) An agency conducting investigations relating to employment with a governmental agency or other employment.
12. If the Commission discloses information concerning a pending complaint to an agency or authority pursuant to subsection 11, the Commission shall subsequently disclose the disposition of the complaint to the agency or authority. The Commission shall send a copy of all information disclosed pursuant to subsection 11 to the judge concerned at the same time the Commission sends the information to the agency or authority.
(Added to NRS by 1997, 1092; A 2007, 2066; 2009, 1348)

CHAPTER 62D - PROCEDURE IN JUVENILE PROCEEDINGS

NRS 62D.420 Admissible evidence; examination and cross-examination; court access to and use of records relating to custody of child or involvement of child with agency which provides child welfare services.
1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:
(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and
(b) Rely on such evidence to the extent of its probative value.
2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.
3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.
4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.
5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.
6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.
(Added to NRS by 2003, 1059; A 2011, 1000)

NRS 62D.440 Disclosure to victim of disposition of case; confidentiality of personal information pertaining to victim or parent or guardian of victim.
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 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.
(Added to NRS by 2003, 1060)

NRS 62E.516 Commitment of child to facility for detention of children: Approval of methods for screening; duties of Division of Child and Family Services; appropriate governing body and chief judge to ensure compliance with requirements; regulations.

1. Each local facility for the detention of children and regional facility for the detention of children shall conduct the screening required pursuant to NRS 62C.035 and 62E.513 using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children and regional facility for the detention of children shall submit its method for conducting the screening required pursuant to NRS 62C.035 and 62E.513 to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children or regional facility for the detention of children may begin using a new method for conducting the screening required pursuant to NRS 62C.035 and 62E.513, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 and 62E.513 that is submitted by a local facility for the detention of children or a regional facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 and 62E.513.

5. Each state facility for the detention of children shall use a method for conducting the screening required pursuant to NRS 62E.513 that satisfies the requirements of paragraphs (a) and (b) of subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

6. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

(Added to NRS by 2005, 1035)

NRS 62E.620 Evaluation of child who committed certain acts involving alcohol or controlled substance; program of treatment; treatment facility not liable for acts of child; confidentiality of information; driving under influence included in driver's record of child.

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 484C.110, 484C.120, 484C.130 or 484C.430;

(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) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical 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 the child's 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 484C.110, 484C.120, 484C.130, 484C.430, 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. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, 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 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.
(Added to NRS by 2003, 1073; A 2005, 31, 162; 2007, 2067, 3075; 2009, 1878)

CHAPTER 62H - RECORDS RELATED TO CHILDREN

NRS 62H.220 Division of Child and Family Services to collect certain information regarding child adjudicated delinquent for sexual offense; confidentiality.
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 Director of the Department of Health and Human Services for use in the program established pursuant to NRS 62H.300, 62H.310 and 62H.320.
3. Except as otherwise provided in NRS 239.0115, 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 62H.320.
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.
(Added to NRS by 2003, 1094; A 2007, 2068; 2009, 1842)

NRS 62H.320 Director of Department of Health and Human Services to establish program to compile and analyze data concerning juvenile sex offenders.
1. The Director of the Department of Health and Human Services shall establish within the Department a program to compile and analyze data concerning juvenile sex offenders. The program must be designed to:
(a) Provide statistical data relating to the recidivism of juvenile sex offenders; 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 assess the effectiveness of programs for the treatment of juvenile sex offenders.
2. The Director of the Department of Health and Human Services 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 the Administration of Justice on or before January 31 of each even-numbered year.
3. 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.
(Added to NRS by 2009, 1842)

CHAPTER 76 - STATE BUSINESS LICENSES

NRS 76.160 Confidentiality of records and files of Secretary of State.
1. Except as otherwise provided in this chapter and NRS 239.0115, the records and files of the Secretary of State concerning the administration of this chapter are confidential and privileged. The Secretary of State, and any employee of the Secretary of State 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 those records or files. Neither the Secretary of State nor any employee of the Secretary of State 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 Secretary of State concerning the administration of this chapter are not confidential and privileged in the following cases:
(a) Testimony by a member or employee of the Secretary of State and production of records, files and information on behalf of the Secretary of State 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 or her authorized representative of a copy of any document filed by the person pursuant to this chapter.
(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 any person authorized to audit the accounts of the Secretary of State 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 Secretary of State 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 Secretary of State shall periodically, as he or she 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 the Secretary of State has a record. The list must include the mailing address of the business as reported to the Secretary of State.
(Added to NRS by 2009, 2032)

CHAPTER 78 - PRIVATE CORPORATIONS

NRS 78.152 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. In addition to any records required to be kept at the registered office pursuant to NRS 78.105, a corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:
(a) A current list of its owners of record; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the corporation shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.
5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:
(a) The corporation complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1315; A 2009, 2828)

CHAPTER 80 - FOREIGN CORPORATIONS

NRS 80.113 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:
(a) A current list of its owners of record; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign corporation shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign corporation to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign corporation to transact business in this State.
5. The Secretary of State shall not reinstate or revive the right of a foreign corporation to transact business that was revoked or suspended pursuant to subsection 4 unless:
(a) The foreign corporation complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign corporation to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1319; A 2009, 2831)

CHAPTER 81 - MISCELLANEOUS ORGANIZATIONS

NRS 81.850 Right of member or manager to information.
1. On reasonable notice, a member or manager of an unincorporated nonprofit association may inspect and copy during the regular operating hours of the unincorporated nonprofit association, at a reasonable location specified by the association, any record maintained by the association regarding its activities, financial condition and other circumstances, to the extent the information is material to the member's or manager's rights and duties under the governing principles.
2. An unincorporated nonprofit association may impose reasonable restrictions on access to and use of information to be furnished under this section, including designating the information confidential and imposing obligations of nondisclosure and safeguarding on the recipient.
3. An unincorporated nonprofit association may charge a person that makes a demand under this section reasonable copying costs, limited to the costs of labor and materials.
4. A former member or manager is entitled to information to which the member or manager was entitled while a member or manager if the information pertains to the period during which the person was a member or manager, the former member or manager seeks the information in good faith and the former member or manager satisfies subsections 1, 2 and 3.
(Added to NRS by 2009, 697)

CHAPTER 82 - NONPROFIT CORPORATIONS

NRS 82.183 Records to be provided to Secretary of State; requirement to assist in criminal investigation; failure to comply; regulations.
1. Upon the request of the Secretary of State, a corporation shall provide the Secretary of State with the name and contact information of the custodian of the members' ledger or duplicate members' ledger kept by the corporation at

its registered office pursuant to paragraph (c) of subsection 1 of NRS 82.181. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
3. If a corporation fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the corporation to transact business in this State.
4. The Secretary of State shall not reinstate or revive the right of a corporation to transact business in this State that was revoked or suspended pursuant to subsection 3 unless:
(a) The corporation complies with the requirements of subsection 2; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the corporation to transact business in this State.
5. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1321; A 2009, 1686, 2832)

CHAPTER 86 - LIMITED-LIABILITY COMPANIES

NRS 86.246 Statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A limited-liability company shall maintain at its registered office or principal place of business in this State a statement indicating where the list required pursuant to paragraph (a) of subsection 1 of NRS 86.241 is maintained.
2. Upon the request of the Secretary of State, the limited-liability company shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1, if different than the registered agent for such company. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the custodian of the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited-liability company to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the charter of the limited-liability company.
5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:
(a) The limited-liability company complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the charter.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1323; A 2009, 1696, 2836)

NRS 86.54615 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign limited-liability company shall maintain at its registered office or principal place of business in this State:
(a) A current list of each member and manager; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign limited-liability company shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited-liability company to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the registration of the foreign limited-liability company.
5. The Secretary of State shall not reinstate or revive a registration that was revoked or suspended pursuant to subsection 4 unless:
(a) The foreign limited-liability company complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the registration.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1323; A 2009, 2839)

CHAPTER 87 – PARTNERSHIPS

NRS 87.515 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of its managing partners; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the registered limited-liability partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.
5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:
(a) The registered limited-liability partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1327; A 2009, 2841)

NRS 87.5413 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of its managing partners; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign registered limited-liability partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign registered limited-liability partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign registered limited-liability partnership to transact business in this State.
5. The Secretary of State shall not reinstate or revive the right of a foreign registered limited-liability partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The registered limited-liability partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign registered limited-liability partnership to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1327; A 2009, 2842)

CHAPTER 87A - UNIFORM LIMITED PARTNERSHIP ACT (2001)

NRS 87A.200 Statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A limited partnership shall maintain at its registered office or principal place of business in this State a statement indicating where the list required pursuant to subsection 1 of NRS 87A.195 is maintained.
2. Upon the request of the Secretary of State, the limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1, if different than the registered agent for such limited partnership. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the custodian of the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1 of NRS 87A.195; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.
5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1345; A 2009, 1703, 2844)

NRS 87A.580 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of each general partner; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.
5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The foreign limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1347; A 2009, 2848)

NRS 87A.640 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of each general partner; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the registered limited-liability limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.
5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:
(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1348; A 2009, 2849)

CHAPTER 88 - UNIFORM LIMITED PARTNERSHIP ACT

NRS 88.3355 Statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A limited partnership shall maintain at its registered office or principal place of business in this State a statement indicating where the list required pursuant to paragraph (a) of subsection 1 of NRS 88.335 is maintained.
2. Upon the request of the Secretary of State, the limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1, if different than the registered agent for such limited partnership. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the custodian of the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 88.335; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.
5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1329; A 2009, 1710, 2849)

NRS 88.5927 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of each general partner; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.
5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The foreign limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1330; A 2009, 2852)

NRS 88.6067 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:
(a) A current list of each general partner; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the registered limited-liability limited partnership shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.
5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:
(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1331; A 2009, 2854)

CHAPTER 88A - BUSINESS TRUSTS

NRS 88A.345 Information concerning records; requirement to assist in criminal investigation; failure to comply; regulations.
1. Upon the request of the Secretary of State, a business trust shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340.
2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a business trust to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the ledger, duplicate ledger or statement required to be maintained pursuant to subsection 1 of NRS 88A.340; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
3. If a business trust fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of trust.
4. The Secretary of State shall not reinstate or revive a certificate of trust that was revoked or suspended pursuant to subsection 3 unless:
(a) The business trust complies with the requirements of subsection 2; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the business trust.
5. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1332; A 2009, 2854)

NRS 88A.7345 List or statement to be maintained at registered office; requirement to assist in criminal investigation; failure to comply; regulations.
1. A foreign business trust shall maintain at its registered office:
(a) A current list of its beneficial owners; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the foreign business trust shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a foreign business trust fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign business trust to transact business in this State.
5. The Secretary of State shall not reinstate or revive the right of a foreign business trust to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:
(a) The foreign business trust complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign business trust to transact business in this State.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1333; A 2009, 2856)

CHAPTER 89 - PROFESSIONAL ENTITIES AND ASSOCIATIONS

NRS 89.045 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A professional entity shall maintain at its registered office or principal place of business in this State:
(a) A current list of its owners of record; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the professional entity shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional entity to:
(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a professional entity fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.
5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:
(a) The professional entity complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1335; A 2009, 2858)

NRS 89.251 List or statement to be maintained at registered office or principal place of business; requirement to assist in criminal investigation; failure to comply; regulations.
1. A professional association shall maintain at its registered office or principal place of business in this State:
(a) A current list of each member; or
(b) A statement indicating where such a list is maintained.
2. Upon the request of the Secretary of State, the professional association shall:
(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.
(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.
3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional association to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection I; or
(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.
4. If a professional association fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the articles of association.
5. The Secretary of State shall not reinstate or revive articles of association that were revoked or suspended pursuant to subsection 4 unless:
(a) The professional association complies with the requirements of subsection 3; or
(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the articles of association.
6. The Secretary of State may adopt regulations to administer the provisions of this section.
(Added to NRS by 2007, 1335; A 2009, 2858)

CHAPTER 90 - SECURITIES (UNIFORM ACT)

NRS 90.730 Public information and confidentiality.
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 NRS 239.0115, 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.
(Added to NRS by 1987, 2184; A 1989, 160; 1991, 609; 2003, 3176; 2005, 1783; 2007, 2069)

CHAPTER 91 – COMMODITIES

NRS 91.160 Administration.
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. Except as otherwise provided in NRS 239.0115, 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 or her 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.
(Added to NRS by 1987, 1289; A 2003, 3178; 2007, 2070)

CHAPTER 116 - COMMON-INTEREST OWNERSHIP (UNIFORM ACT)

NRS 116.757 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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. The Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2.
2. A formal complaint filed by the Administrator 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.
(Added to NRS by 2005, 2586; A 2007, 2070; 2009, 2900)

CHAPTER 116A - COMMON-INTEREST COMMUNITIES: REGULATION OF COMMUNITY MANAGERS AND OTHER PERSONNEL

NRS 116A.270 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division alleging a violation of this chapter or chapter 116 or 116B 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 Division shall not disclose any information that is confidential pursuant to subsection 1, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 3 and the disclosure is required pursuant to subsection 3, except that the Division may disclose the information described in subsection 1 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 holds a certificate or registration issued pursuant to this chapter.
3. The formal complaint or other charging documents filed by the Administrator 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.
(Added to NRS by 2005, 2575; A 2007, 1547, 2070, 2275; 2009, 2901)

CHAPTER 116B - CONDOMINIUM HOTEL ACT

NRS 116B.880 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to this chapter, 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 116B.865 to 116B.920, inclusive, are public records.
(Added to NRS by 2007, 2264)

CHAPTER 118B - LANDLORD AND TENANT: MANUFACTURED HOME PARKS

NRS 118B.026 Investigations; remedies.

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 or her representative shall, upon request, furnish identification during an investigation. Except as otherwise provided in NRS 239.0115, any information obtained by the Administrator or his or her 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, the Administrator may issue a notice of violation to the person who the Administrator 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.

Ê 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.

(Added to NRS by 1985, 2214; A 1991, 846, 2271; 1993, 1469; 2007, 2071)

CHAPTER 119 - SALE OF SUBDIVIDED LAND: LICENSING AND REGULATION

NRS 119.260 Orders to cease and desist; agreement with developer in lieu of issuance of order.

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 the person 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, the person 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 the person 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 the developer acquired through such activities.

Ê Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

(Added to NRS by 1973, 1760; A 1985, 1409; 1995, 376; 2007, 2071)

NRS 119.265 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a license or permit issued pursuant to this chapter.
2. The complaint or other charging documents filed with the Division to initiate disciplinary action and all documents and other information considered by the Division or a hearing officer when determining whether to impose discipline are public records.
(Added to NRS by 2007, 1547)

NRS 119.267 Confidentiality of records: Certain criminal and financial records deemed confidential; exceptions. Except as otherwise provided in NRS 119.265, unless otherwise ordered by a court, the Division may keep confidential the criminal and financial records of a licensee, permittee or an applicant for a license or permit issued pursuant to this chapter.
(Added to NRS by 2009, 364)

NRS 119.280 Powers of Administrator to take testimony, administer oaths, issue subpoenas and classify confidential records.
1. The Administrator may:
(a) Take testimony and other evidence concerning all matters within the jurisdiction of the Division under this chapter.
(b) Administer oaths.
(c) Certify to all official acts.
(d) For cause, issue subpoenas for attendance of witnesses and the production of books and papers.
2. The Administrator shall classify as confidential certain records and information obtained by the Division when such matters are trade secrets, including but not limited to lists of prospective purchasers and lists of purchasers with whom a sale has been consummated. This power is subject to the limitations and protective measures in NRS 49.325.
(Added to NRS by 1973, 1761)

CHAPTER 119A - TIME SHARES

NRS 119A.280 Developers: Order to cease; hearing; agreement in lieu of order.
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 the developer 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 docs 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, the person 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 the person 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 the developer acquired through such violations.
Ê Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.
(Added to NRS by 1983, 994; A 1985, 1140; 2007, 2072)

NRS 119A.653 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a license, registration or permit issued pursuant to this chapter.
2. The complaint or other charging documents filed with the Administrator to initiate disciplinary action and all documents and other information considered by the Administrator or a hearing officer when determining whether to impose discipline are public records.
(Added to NRS by 2007, 1548)

CHAPTER 119B - MEMBERSHIPS IN CAMPGROUNDS

NRS 119B.370 Order to cease activities conducted without permit; hearing; agreement in lieu of order.
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 or her 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 the developer 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, the person 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 the person 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 the developer acquired through such violations.
Ê Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.
(Added to NRS by 1985, 1670; A 2007, 2073)

NRS 119B.382 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a permit issued pursuant to this chapter.
2. The complaint or other charging documents filed with the Administrator to initiate disciplinary action and all documents and other information considered by the Administrator when determining whether to impose discipline are public records.
(Added to NRS by 2007, 1549)

CHAPTER 120A - UNCLAIMED PROPERTY (UNIFORM ACT)

NRS 120A.690 Requests for reports and examination of records.
1. The Administrator may require a person who has not filed a report, or a person who the Administrator believes has filed an inaccurate, incomplete or false report, to file a verified report in a form specified by the Administrator. The report must state whether the person is holding property reportable under this chapter, describe property not previously reported or as to which the Administrator has made inquiry, and specifically identify and state the amounts of property that may be in issue.
2. The Administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The Administrator may conduct the examination even if the person believes he or she is not in possession of any property that must be reported, paid or delivered under this chapter. The Administrator may contract with any other person to conduct the examination on behalf of the Administrator.
3. The Administrator at reasonable times may examine the records of an agent, including a dividend disbursing agent or transfer agent, of a business association or financial organization that is the holder of property presumed abandoned if the Administrator has given the notice required by subsection 2 to both the association or organization and the agent at least 90 days before the examination.
4. Documents and working papers obtained or compiled by the Administrator, or the Administrator's agents, employees or designated representatives, in the course of conducting an examination are confidential and are not public records, but the documents and papers may be:
(a) Used by the Administrator in the course of an action to collect unclaimed property or otherwise enforce this chapter;
(b) Used in joint examinations conducted with or pursuant to an agreement with another state, the Federal Government or any other governmental subdivision, agency or instrumentality;
(c) Produced pursuant to subpoena or court order; or
(d) Disclosed to the abandoned property office of another state for that state's use in circumstances equivalent to those described in this subdivision, if the other state is bound to keep the documents and papers confidential.
5. If an examination of the records of a person results in the disclosure of property reportable under this chapter, the Administrator may assess the cost of the examination against the holder at the rate of $200 a day for each examiner or a greater amount that is reasonable and was incurred, but the assessment may not exceed the value of the property found to be reportable. The cost of an examination made pursuant to subsection 3 may be assessed only against the business association or financial organization.
6. If, after October 1, 2007, a holder does not maintain the records required by NRS 120A.700 and the records of the holder available for the periods subject to this chapter are insufficient to permit the preparation of a report, the Administrator may require the holder to report and pay to the Administrator the amount the Administrator reasonably estimates, on the basis of any available records of the holder or by any other reasonable method of estimation, should have been but was not reported.
(Added to NRS by 2007, 764)

CHAPTER 125 - DISSOLUTION OF MARRIAGE

NRS 125.130 Decree of divorce final and absolute; duties of court concerning social security numbers of parties; order changing name of wife.

1. A judgment or decree of divorce granted pursuant to the provisions of this chapter is a final decree.

2. Whenever a decree of divorce from the bonds of matrimony is granted in this State by a court of competent authority, the decree fully and completely dissolves the marriage contract as to both parties.

3. A court that grants a decree of divorce pursuant to the provisions of this section shall ensure that the social security numbers of both parties are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

4. In all suits for divorce, if a divorce is granted, the court may, for just and reasonable cause and by an appropriate order embodied in its decree, change the name of the wife to any former name which she has legally borne.

[Part 22:33:1861; A 1875, 63; 1913, 10; 1913, 159; 1915, 26; 1921, 2; 1921, 385; 1923, 389; 1927, 126; 1931, 161; 1931 NCL § 9460] + [28:33:1861; A 1939, 18; 1931 NCL § 9466]—(NRS A 1975, 247; 1997, 2288; 1999, 2679; 2009, 955)

CHAPTER 125B - OBLIGATION OF SUPPORT

NRS 125B.140 Enforcement of order for support.

1. Except as otherwise provided in chapter 130 of NRS and NRS 125B.012:

(a) If an order issued by a court provides for payment for the support of a child, that order is a judgment by operation of law on or after the date a payment is due. Such a judgment may not be retroactively modified or adjusted and may be enforced in the same manner as other judgments of this State.

(b) Payments for the support of a child pursuant to an order of a court which have not accrued at the time either party gives notice that the party has filed a motion for modification or adjustment may be modified or adjusted by the court upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction of the modification or adjustment.

2. Except as otherwise provided in subsection 3 and NRS 125B.012, 125B.142 and 125B.144:

(a) Before execution for the enforcement of a judgment for the support of a child, the person seeking to enforce the judgment must send a notice by certified mail, restricted delivery, with return receipt requested, to the responsible parent:

(1) Specifying the name of the court that issued the order for support and the date of its issuance;

(2) Specifying the amount of arrearages accrued under the order;

(3) Stating that the arrearages will be enforced as a judgment; and

(4) Explaining that the responsible parent may, within 20 days after the notice is sent, ask for a hearing before a court of this State concerning the amount of the arrearages.

(b) The matters to be adjudicated at such a hearing are limited to a determination of the amount of the arrearages and the jurisdiction of the court issuing the order. At the hearing, the court shall take evidence and determine the amount of the judgment and issue its order for that amount.

(c) The court shall determine and include in its order:

(1) Interest upon the arrearages at a rate established pursuant to NRS 99.040, from the time each amount became due; and

(2) A reasonable attorney's fee for the proceeding,

Ê unless the court finds that the responsible parent would experience an undue hardship if required to pay such amounts. Interest continues to accrue on the amount ordered until it is paid, and additional attorney's fees must be allowed if required for collection.

(d) The court shall ensure that the social security number of the responsible parent is:

(1) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(2) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

3. Subsection 2 does not apply to the enforcement of a judgment for arrearages if the amount of the judgment has been determined by any court.

(Added to NRS by 1987, 2250; A 1991, 1336; 1993, 2625; 1997, 2297, 2298; 1999, 2681)

NRS 126.061 Artificial insemination.
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 the husband were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by the husband 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 NRS 239.0115, 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 the donor were not the natural father of a child thereby conceived.
(Added to NRS by 1979, 1271; A 2007, 2073)

NRS 126.141 Pretrial recommendations.
1. On the basis of the information produced at the pretrial hearing, the judge, master or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:
(a) That the action be dismissed with or without prejudice.
(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, master or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, master or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.
(c) That the alleged father voluntarily acknowledge his paternity of the child.
2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.
3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, master or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.
4. The guardian ad litem may accept or refuse to accept a recommendation under this section.
5. The pretrial hearing may be terminated and the action set for trial if the judge, master or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.
(Added to NRS by 1979, 1274; A 1983, 1871; 1989, 860; 1997, 2306)

NRS 126.161 Contents and effect of judgment or order.
1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.
2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.
3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:
(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or
(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:
(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.
(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.
5. A court that enters such a judgment or order shall ensure that the social security numbers of the mother and father are:
(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.
(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.
6. As used in this section, "expedited process" means a voluntary acknowledgment of paternity, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.
(Added to NRS by 1979, 1275; A 1983, 1872; 1987, 2251; 1989, 671; 1995, 2419; 1997, 2307, 2308; 2005, 248)

NRS 126.163 Order issued on or after October 1, 1998: Provision of information by court and parties to action; regulations.
1. A court that, on or after October 1, 1998, issues an order in this State establishing the paternity of a child shall:
(a) Obtain and provide to the Division of Welfare and Supportive Services of the Department of Health and Human Services such information regarding the order as the Division of Welfare and Supportive Services determines is necessary to carry out the provisions of 42 U.S.C. § 654a.
(b) Ensure that the social security numbers of the child and the parents of the child are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.
2. Within 10 days after a court of this State issues an order establishing the paternity of a child, each party to the cause of action shall file with the court that issued the order and with the Division of Welfare and Supportive Services:
(a) The party's social security number;
(b) The party's residential and mailing addresses;
(c) The party's telephone number;
(d) The party's driver's license number; and
(e) The name, address and telephone number of the employer of the party.
È Each party shall update the information filed with the court and with the Division of Welfare and Supportive Services pursuant to this subsection within 10 days after that information becomes inaccurate.
3. The Division of Welfare and Supportive Services shall adopt regulations specifying the particular information required to be provided pursuant to subsection 1 to carry out the provisions of 42 U.S.C. § 654a.
(Added to NRS by 1997, 2302; A 2005, 249)

CHAPTER 127 - ADOPTION OF CHILDREN AND ADULTS

NRS 127.007 State Register for Adoptions: Establishment; contents; release of information.
1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.
2. The State Register for Adoptions consists of:
(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;
(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and
(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

Ê Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.
3. Except as otherwise provided in subsection 4, the Division may release information:
(a) About a person related within the third degree of consanguinity to an adopted person; or
(b) About an adopted person to a person related within the third degree of consanguinity,
Ê if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the natural parent.
4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.
(Added to NRS by 1979, 1282; A 1991, 947; 1993, 37, 2679, 2729)

NRS 127.057 Consent to adoption: Copy to be furnished to agency which provides child welfare services within 48 hours; recommendations; confidentiality of information; unlawful acts.
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 or her 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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1961, 737; A 1963, 890; 1967, 1147; 1973, 1406, 1588; 1987, 2050; 1993, 2681; 2001 Special Session, 4; 2007, 2074)

NRS 127.130 Confidentiality of reports; petitioner may rebut adverse report. The report of either the agency which provides child welfare services or the licensed child-placing agency designated by the court must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of the agency which provides child welfare services or the designated agency is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of the agency which provides child welfare services or the designated agency.
[13:332:1953]—(NRS A 1963, 891; 1965, 36; 1967, 1148; 1973, 1406; 1993, 2682; 2001 Special Session, 5)

NRS 127.140 Confidentiality of hearings, files and records.
1. Except as otherwise provided in NRS 239.0115, 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.

[14:332:1953]—(NRS A 1979, 1283; 2005, 1682; 2007, 2074)

NRS 127.2817 Criteria for determination of suitability of prospective adoptive home; opportunity for prospective adoptive parents to review and respond to unfavorable investigation.

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. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

(Added to NRS by 1993, 238; A 1993, 2731; 2001, 1112; 2001 Special Session, 12; 2007, 2075)

TITLE 13 - GUARDIANSHIPS; CONSERVATORSHIPS; TRUSTS

NRS 159.044 Petition for appointment of guardian: Who may submit; content; needs assessment required for proposed adult ward.

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 NRS 239.0115 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.

Ê 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 120 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 the proposed ward 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 NRS 239.0115 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 the proposed guardian 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 must include, without limitation:
(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs stating:
(I) The need for a guardian;
(II) Whether the proposed ward presents a danger to himself or herself or others;
(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;
(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and
(V) Whether the proposed ward is capable of living independently with or without assistance;
(2) A letter signed by any governmental agency in this State which conducts investigations stating:
(I) The need for a guardian;
(II) Whether the proposed ward presents a danger to himself or herself or others;
(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;
(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and
(V) Whether the proposed ward is capable of living independently with or without assistance; or
(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating:
(I) The need for a guardian;
(II) Whether the proposed ward presents a danger to himself or herself or others;
(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;
(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and
(V) Whether the proposed ward is capable of living independently with or without assistance.
(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) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, 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) If the guardianship is sought as the result of an investigation of a report of abuse, neglect or exploitation of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.
(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.
3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.
(Added to NRS by 1981, 1931; A 1989, 533; 1995, 1076, 2771; 1997, 1343; 1999, 1396; 2001 Special Session, 15; 2003, 1772; 2005, 815; 2007, 2025, 2075; 2009, 1646, 2519)

CHAPTER 172 - PROCEEDINGS AFTER COMMITMENT AND BEFORE INDICTMENT

NRS 172.075 Officers of grand jury. The jury shall elect one of its members to be foreman, another to be deputy foreman and a third to be secretary. The foreman shall have power to administer oaths and affirmations and shall

sign all presentments and indictments. The secretary shall keep a record of the number of jurors concurring in the finding of every presentment or indictment and shall file the record with the clerk of the court, but the record shall not be made public except on order of the court. During the absence of the foreman, the deputy foreman shall act as foreman, and if both are absent, the jury shall elect a temporary foreman.
(Added to NRS by 1967, 1408)

NRS 172.245 Secrecy of proceedings of grand jury; permitted disclosures; penalty.
1. The disclosure of:
(a) Evidence presented to the grand jury;
(b) Information obtained by the grand jury;
(c) The results of an investigation made by the grand jury; and
(d) An event occurring or a statement made in the presence of the grand jury other than its deliberations and the vote of a juror,
□ may be made to the district attorney for use in the performance of the district attorney's duties.
2. Except as otherwise provided in subsection 3, the Attorney General or a member of the Attorney General's staff, a grand juror, district attorney or member of the district attorney's staff, peace officer, clerk, stenographer, interpreter, witness or other person invited or allowed to attend the proceedings of a grand jury shall not disclose:
(a) Evidence presented to the grand jury;
(b) An event occurring or a statement made in the presence of the grand jury;
(c) Information obtained by the grand jury; or
(d) The results of an investigation made by the grand jury.
3. A person may disclose his or her knowledge concerning the proceedings of a grand jury:
(a) When so directed by the court preliminary to or in connection with a judicial proceeding;
(b) When permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the presentment or indictment because of matters occurring before the grand jury;
(c) If the person was a witness before the grand jury and is disclosing his or her knowledge of the proceedings to the person's own attorney; or
(d) As provided in NRS 172.225.
4. No obligation of secrecy may be imposed upon any person except in accordance with this section. The court may direct that a presentment or indictment be kept secret until the defendant is in custody or has been given bail, and the clerk shall seal the presentment or indictment. It is unlawful for any person to disclose the finding of the secret presentment or indictment except when necessary for the issuance and execution of a warrant or summons.
5. A person who violates any of the provisions of this section is guilty of a gross misdemeanor and contempt of court.
6. The Attorney General or district attorney shall investigate and prosecute a violation of this section.
7. The grand jury shall inform each person who appears before the grand jury of the provisions of this section and the penalties for its violation.
(Added to NRS by 1967, 1410; A 1985, 552)

CHAPTER 176 - JUDGMENT AND EXECUTION

NRS 176.015 Prompt hearing; court may commit defendant or continue or alter bail before hearing; statement by defendant; presentation of mitigating evidence; rights of victim; notice of hearing.
1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.
2. Before imposing sentence, the court shall:
(a) Afford counsel an opportunity to speak on behalf of the defendant; and
(b) Address the defendant personally and ask the defendant if:
(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and
(2) The defendant is a veteran or a member of the military. If the defendant is a veteran or a member of the military and meets the qualifications of paragraphs (b) and (c) of subsection 2 of NRS 176A.285, the court may, if appropriate, assign the defendant to:
(I) A program of treatment established pursuant to NRS 176A.280; or
(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:
(a) Appear personally, by counsel or by personal representative; and
(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.
4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:
(a) The person against whom the crime was committed;
(b) A person who was injured as a direct result of the commission of the crime;
(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and
(d) Any other relative or victim who requests in writing to be notified of the hearing.
□ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.
5. For the purposes of this section:
(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.
(b) "Relative" of a person includes:
(1) A spouse, parent, grandparent or stepparent;
(2) A natural born child, stepchild or adopted child;
(3) A grandchild, brother, sister, half brother or half sister; or
(4) A parent of a spouse.
(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.
(d) "Victim" includes:
(1) A person, including a governmental entity, against whom a crime has been committed;
(2) A person who has been injured or killed as a direct result of the commission of a crime; and
(3) A relative of a person described in subparagraph (1) or (2).
6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.
(Added to NRS by 1967, 1432; A 1989, 1425; 1991, 90; 1995, 371; 1997, 3236; 2001, 889; 2009, 100)

NRS 176.0625 Administrative assessment, fine or fee for felony or gross misdemeanor: Collection by certain entities.
1. If a fine, administrative assessment or fee is imposed pursuant to this chapter upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court entering the judgment of conviction shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fine, administrative assessment or fee. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fine, administrative assessment or fee.
2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fine, administrative assessment or fee after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fine, administrative assessment or fee through a cooperative agreement pursuant to NRS 353.650, so long as the Office of the State Controller is willing and able to make such collection efforts.
3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to NRS 353.650, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For the purposes of this section, the information necessary to collect the fine, administrative assessment or fee shall be considered and limited to:
(a) The name of the defendant;
(b) The date of birth of the defendant;
(c) The social security number of the defendant;
(d) The last known address of the defendant; and
(e) The nature and the amount of money owed by the defendant.
4. If the Office of the State Controller is successful in collecting the fine, administrative assessment or fee, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fine, administrative assessment or fee pursuant to NRS 176.0635.

5. Any money collected pursuant to subsection 4 must be deposited in the State Treasury, pursuant to NRS 176.265.
6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.
7. Unless otherwise prohibited by law, the entity responsible for collecting the fine, administrative assessment or fee pursuant to this section has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.
(Added to NRS by 2011, 909)

NRS 176.156 Disclosure of report of presentence or general investigation; persons entitled to use report; confidentiality of report.
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, 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.
(Added to NRS by 1967, 1434; A 1969, 405; 1975, 576; 1981, 1209; 1985, 149; 1993, 1513; 1995, 1057; 1997, 54; 1999, 103, 1190)

CHAPTER 176A - PROBATION AND SUSPENSION OF SENTENCE

NRS 176A.630 Assignment of case; consideration of alleged violation; revocation permitted upon finding violation; alternative actions; restitution for governmental expenses. 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 probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the 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, the Chief Parole and Probation Officer 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 a current address to the Division. The notice must inform the victim that he or she 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 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 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.
(Added to NRS by 1977, 816; A 1987, 2229; 1989, 1855, 1887; 1993, 935; 1995, 1356; 1997, 3237)

CHAPTER 178 - GENERAL PROVISIONS

NRS 178.39801 Collection of fee by certain entities.
1. If a district court orders a defendant to pay for expenses incurred by the county or State in providing the defendant with an attorney pursuant to NRS 178.3975 or makes an execution on the property of the defendant pursuant to NRS 178.398, the district court entering the judgment shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fee. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fee.
2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fee after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fee through a cooperative agreement pursuant to NRS 353.650, so long as the Office of the State Controller is willing and able to make such collection efforts.
3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to NRS 353.650, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For purposes of this section, the information necessary to collect the fee shall be considered and limited to:
(a) The name of the defendant;
(b) The date of birth of the defendant;
(c) The social security number of the defendant;
(d) The last known address of the defendant; and
(e) The nature and the amount of money owed by the defendant.
4. If the Office of the State Controller is successful in collecting the fee, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fee.
5. Any money collected must be paid to the county or state public defender's office which bore the expense and which was not reimbursed by another governmental agency, pursuant to NRS 178.3975.
6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.
7. Unless otherwise prohibited by law, the entity responsible for collecting the fee pursuant to this section, has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.
(Added to NRS by 2011, 910)

NRS 178.4715 Notification of victims upon discharge, conditional release or escape.
1. If a person is committed to the custody of the Administrator and is subject to the provisions of NRS 178.463 to 178.471, inclusive, a victim of the person may request the Administrator or the Administrator's designee to notify the victim of the person's discharge, conditional release or escape from the custody of the Administrator by submitting to the Administrator:
(a) A written request for notification; and
(b) The current address of the victim.
2. If the Administrator or the Administrator's designee receives a request for notification pursuant to subsection 1, the Administrator or the Administrator's designee shall notify the victim if the person committed to the custody of the Administrator:
(a) Will be discharged or conditionally released pursuant to NRS 178.463 to 178.471, inclusive, at least 10 days before the discharge or release; or
(b) Has escaped from the custody of the Administrator.

3. A person described in subsection 1 must not be discharged or released from commitment, temporarily or otherwise, for any purpose unless notification of the discharge or release has been mailed to the last known address of every victim of the person who has requested notification pursuant to subsection 1.
4. The Administrator or the Administrator's designee may not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the Administrator or the Administrator's designee or if the address provided is inaccurate or not current.
5. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Administrator or the Administrator's designee pursuant to this section is confidential.
6. As used in this section, "victim" means:
(a) A person, including, without limitation, a governmental entity, against whom an act has been committed for which the person committed to the custody of the Administrator has been charged;
(b) A person who has been injured or killed as a direct result of the commission of an act for which the person committed to the custody of the Administrator has been charged; or
(c) A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a "relative" of a person includes:
(1) A spouse, parent, grandparent or stepparent;
(2) A natural born child, stepchild or adopted child;
(3) A grandchild, brother, sister, half brother or half sister; or
(4) A parent of a spouse.
(Added to NRS by 2009, 71)

NRS 178.5691 Confidentiality of personal information. 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.
(Added to NRS by 1997, 3238)

CHAPTER 179 - SPECIAL PROCEEDINGS OF A CRIMINAL NATURE; SEALING RECORDS OF CRIMINAL PROCEEDINGS; REWARDS; FORMS

NRS 179.495 Notice to parties to intercepted communications.
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.
□ Except as otherwise provided in NRS 239.0115, 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 the person's counsel those portions of the intercepted communications which contain the person's 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.
(Added to NRS by 1973, 1747; A 1975, 1520; 1983, 119; 1985, 1976; 2001, 2572; 2007, 2077)

CHAPTER 179A - RECORDS OF CRIMINAL HISTORY AND INFORMATION RELATING TO PUBLIC SAFETY

NRS 179A.165 Confidentiality of records; immunity for performing or failing to perform certain acts.
1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for inclusion in the appropriate database of the National Instant Criminal Background Check System.
2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought against the person or governmental entity for:
(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;
(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or
(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.
(Added to NRS by 2009, 2489)

NRS 179A.450 Creation; contents; submission of report to Legislature; confidentiality of data.
1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.
2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation or isolation of older persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:
(a) All incidents that are reported to any entity.
(b) All cases that are currently under investigation and the type of such cases.
(c) All cases that are referred for prosecution and the type of such cases.
(d) All cases in which prosecution is declined or dismissed and any reason for such action.
(e) All cases that are prosecuted and the final disposition of such cases.
(f) All cases that are resolved by agencies which provide protective services and the type of such cases.
3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of the abuse, neglect, exploitation or isolation of older persons.
4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation or isolation of older persons.
5. 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 an individual victim or a person accused of the abuse, neglect, exploitation or isolation of older persons.
6. As used in this section:
(a) "Abuse" has the meaning ascribed to it in NRS 200.5092.
(b) "Exploitation" has the meaning ascribed to it in NRS 200.5092.
(c) "Isolation" has the meaning ascribed to it in NRS 200.5092.
(d) "Neglect" has the meaning ascribed to it in NRS 200.5092.
(e) "Older person" means a person who is 60 years of age or older.
(Added to NRS by 2007, 746; A 2009, 2447; 2011, 82)

CHAPTER 200 - CRIMES AGAINST THE PERSON

NRS 200.3771 Victims of certain sexual offenses: Confidentiality of records and reports that reveal identity; when disclosure permitted; penalty.
1. Except as otherwise provided in this section, 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 a sexual offense or an offense involving a pupil is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.
2. A defendant charged with a sexual offense or an offense involving a pupil and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's 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 offense or an offense involving a pupil.
(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.
(Added to NRS by 1993, 2476; A 2009, 1297)

NRS 200.3772 Victims of certain sexual offenses: Procedure for substituting pseudonym for name on files, records and reports; actual identity confidential; when disclosure required; immunity for unintentional disclosure.
1. A victim of a sexual offense or an offense involving a pupil may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense or offense involving a pupil, 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 sexual offense or offense involving a pupil. 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 offense or offense involving a pupil.
5. 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 the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's 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 offense or offense involving a pupil 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 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.
(Added to NRS by 1993, 2477; A 2009, 1298)

NRS 200.5095 Reports and records confidential; permissible or required disclosure; penalty.
1. 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, 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 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 or her 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, the information contained in the report must be submitted to the board that issued the license.
(Added to NRS by 1981, 1335; A 1983, 1654; 1995, 2252; 1997, 1351; 2003, 906; 2005, 1111; 2011, 1096, 1518)

NRS 200.604 Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image.
1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:
(a) Without the consent of the other person; and
(b) Under circumstances in which the other person has a reasonable expectation of privacy.
2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.
3. A person who violates this section:
(a) For a first offense, is guilty of a gross misdemeanor.
(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.
4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.
5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:
(a) Court records;
(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,
□ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.
6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;
(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and
(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.
7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, 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 inspection or release; and
(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.
8. As used in this section:
(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.
(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.
(c) "Female breast" means any portion of the female breast below the top of the areola.
(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.
(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:
(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or
(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.
(Added to NRS by 2007, 642)

CHAPTER 202 - CRIMES AGAINST PUBLIC HEALTH AND SAFETY

NRS 202.3662 Confidentiality of information about applicant for permit and permittee.
1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:
(a) An application for a permit, and all information contained within that application;
(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant or permittee;
(c) The identity of the permittee; and
(d) Any records regarding the suspension, restoration or revocation of a permit,
□ 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.
(Added to NRS by 1997, 1174; A 1999, 851; 2007, 2077; 2011, 754, 3110)

CHAPTER 205 - CRIMES AGAINST PROPERTY

NRS 205.4651 Identity theft program card: Application; issuance; presentation to law enforcement agency or creditors; discretion to accept or reject program card; application not public record; regulations; acceptance of gifts, grants and donations.
1. A person who is a victim of identity theft who is a:
(a) Resident of this State and who has filed with a law enforcement agency in any state a signed written report stating that the person is a victim of identity theft; or
(b) Nonresident of this State who has filed with a law enforcement agency in this State a signed written report stating that the person is a victim of identity theft,
□ may apply for an identity theft program card through any agency designated by the Attorney General.
2. A designated agency that receives an application for an identity theft program card shall submit the application and a copy of the written report described in subsection 1 to the Attorney General for review and, if the applicant meets the requirements pursuant to subsection 1, issuance of an identity theft program card.
3. The Attorney General, in cooperation with any law enforcement agency, may issue an identity theft program card to a person who is a victim of identity theft.

4. A person who is issued an identity theft program card pursuant to subsection 3 may present the identity theft program card to:
(a) A law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another person using his or her personal identifying information; or
(b) A creditor to aid in the investigation of any fraudulent account that is opened in his or her name or any fraudulent charge that is made against an account in his or her name.
5. The law enforcement agency or creditor that is presented with an identity theft program card pursuant to subsection 4 has sole discretion to accept or reject the program card. In determining whether to acccpt or reject the identity theft program card, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the identity theft of the person.
6. An application for an identity theft program card submitted pursuant to this section, including any supporting documentation, is not a public record, and no part of it may be released except to a law enforcement agency in this or another state.
7. The Attorney General may adopt regulations necessary to carry out the provisions of this section.
8. The Attorney General may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.
9. For the purposes of this section, "resident" shall be construed in accordance with the provisions of NRS 10.155.
10. As used in this section:
(a) "Identity theft" means a violation of the provisions of NRS 205.463, 205.464 or 205.465.
(b) "Identity theft program card" means a card or certificate issued by the Attorney General that identifies a person who has complied with the provisions of subsection 1 and, except as otherwise provided in this section, must be given a reasonable opportunity to prove to a law enforcement agency, creditor or other lawfully interested person or governmental entity that the person is the victim and not the perpetrator of any alleged crime, breach of contract or other wrongdoing normally associated with victims of the crime of identity theft.
(Added to NRS by 2005, 1100; A 2009, 9)

CHAPTER 209 - DEPARTMENT OF CORRECTIONS

NRS 209.392 Residential confinement: Duration; notification to victim; eligibility; violation of terms or conditions.
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) Demonstrated a willingness and ability to establish a position of employment in the community;
(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or
(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her 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 or her 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 213.131, 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 the victim 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 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. 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) Has recently committed a serious infraction of the rules of an institution or facility of the Department;
(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;
(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;
(2) A sexual offense that is punishable as a felony; or
(3) Except as otherwise provided in subsection 4, a category A or B felony;
(d) 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 484C.110, 484C.120, 484C.130 or 484C.430; or
(e) Has escaped or attempted to escape from any jail or correctional institution for adults,
□ 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. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:
(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and
(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.
5. 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 the offender's 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 the offender 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 the Director considers proper. The decision of the Director regarding such a forfeiture is final.
6. 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 the offender's 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.
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.
(Added to NRS by 1995, 1358; A 1997, 2412, 3242; 1999, 128, 659, 1276; 2001, 2583; 2001 Special Session, 137; 2003, 180; 2005, 165; 2007, 3172; 2009, 1886, 2510; 2011, 62)

NRS 209.3925 Residential confinement or other appropriate supervision of offenders who are physically incapacitated or in ill health: Eligibility; duration; notice; effect of violation of terms or conditions; status of offenders.
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 or her 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 the offender 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 the offender 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 213.131, 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 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. 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 or her 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 the offender 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 the Director 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 the offender's 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.
(Added to NRS by 1997, 2410; A 1999, 130, 661, 1278; 2001, 2585; 2003, 1176, 2575; 2011, 64)

NRS 209.419 Interception of offender's communications by telecommunications devices: Notice; exceptions.
1. Communications made by an offender on any telephone or other telecommunications device 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 and other telecommunications devices 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. Except as otherwise provided in NRS 239.0115, 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 the Director's 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.
6. As used in this section, "telecommunications device" has the meaning ascribed to it in NRS 209.417.
(Added to NRS by 1983, 682; A 1985, 253, 2007, 2078; 2011, 2667)

NRS 209.521 Notification of victim of escape or release of offender.
1. If a victim of an offender provides his or her 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 or her current address.
3. The Director may not be held responsible for any injury proximately caused by the Director's 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 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.
(Added to NRS by 1985, 2098; A 1997, 3244; 2001 Special Session, 197)

CHAPTER 211A - DEPARTMENT OF ALTERNATIVE SENTENCING

NRS 211A.140 Disclosure of information obtained in discharge of duties prohibited; exceptions.
1. Except as otherwise provided in NRS 239.0115, any information regarding a probationer obtained by the chief, an assistant or other employee of the department in the discharge of his or her 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 or her 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.
(Added to NRS by 1995, 873; A 2007, 2078)

CHAPTER 213 - PARDONS AND PAROLES; REMISSIONS OF FINES AND COMMUTATIONS OF PUNISHMENTS

NRS 213.010 State Board of Pardons Commissioners: Members; meetings; notice of meetings to victim.
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. Except as otherwise provided in a policy adopted pursuant to NRS 213.035, 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 or her 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 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.
[1:149:1933; 1931 NCL § 11569]—(NRS A 1957, 738; 1973, 803; 1979, 657; 1983, 1330, 1438, 1658; 1997, 3244; 2009, 775)

NRS 213.040 District attorneys to furnish Board with statement upon receipt of notice of application for remission, commutation or pardon; notice of application to victim. 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 or her 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 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.
[6:149:1933; 1931 NCL § 11574]—(NRS A 1957, 333; 1983, 1331; 1997, 3244)

NRS 213.095 Notice by Board to victim if clemency granted. 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 or her 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 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.
(Added to NRS by 1983, 1330; A 1997, 3245)

NRS 213.131 Consideration for parole: Duties of Department of Corrections; use of photographs related to offense during meeting of the State Board of Parole Commissioners; conduct of meeting; notice of meeting to victim; prisoner's rights; notice to prisoner of decision of Board.
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 Board 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 are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.
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 the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her 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 or her rights pursuant to this subsection and the victim 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 State Board of Parole Commissioners.
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 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. The Board may grant parole without a meeting, pursuant to NRS 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.
10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:
(a) At his or her own expense, to have a representative present with whom the prisoner may confer; and
(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.
11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.
12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.
(Added to NRS by 2011, 65)

CHAPTER 217 - AID TO CERTAIN VICTIMS OF CRIME

NRS 217.105 Confidentiality of information. 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 the applicant's 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.
(Added to NRS by 1989, 1509; A 1991, 765)

NRS 217.110 Review of application; appeal of denial by compensation officer; investigation of claim; availability and confidentiality of reports concerning crime committed by minor; decisions.
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 60 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 the compensation officer is ordered to proceed by the hearing officer, the compensation officer shall conduct an investigation and, except as otherwise provided in subsection 6, render a decision within 60 days after receipt of the application or order. If, in conducting an 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 the compensation officer in making a decision, the compensation officer may order the reports.
3. If a compensation officer submits a request pursuant to subsection 2 for investigative or police reports which concern:

(a) A natural person, other than a minor, who committed a crime against the victim, a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.
(b) 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 within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.
4. A law enforcement agency or a juvenile court shall not redact any information, except information deemed confidential, from an investigative or police report before providing a copy of the requested report to a compensation officer pursuant to subsection 3.
5. Any reports obtained by a compensation officer pursuant to subsection 3 are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.
6. 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.
(Added to NRS by 1969, 1152; A 1975, 1789; 1981, 1668; 1985, 2100; 1991, 765; 2005, 61; 2009, 83, 521)

NRS 217.464 Fictitious address for victim of domestic violence, sexual assault or stalking: Designation of fictitious address; forwarding of mail; disclosure of confidential address by Secretary of State; notification of school that pupil, parent or legal guardian is participant.
1. If the Secretary of State approves an application, the Secretary of State shall:
(a) Designate a fictitious address for the participant; and
(b) Forward mail that the Secretary of State receives for a participant to the participant.
2. The Secretary of State shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:
(a) The address is requested by a law enforcement agency, in which case the Secretary of State shall make the address available to the law enforcement agency; or
(b) The Secretary of State is directed to do so by lawful order of a court of competent jurisdiction, in which case the Secretary of State shall make the address available to the person identified in the order.
3. If a pupil is attending or wishes to attend a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Secretary of State shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Secretary of State shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.
(Added to NRS by 1997, 1330; A 2001, 694; 2005, 97)

NRS 217.475 Team to review death of victim of domestic violence.
1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.
2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death of a victim upon receiving a written request from a person related to the victim within the third degree of consanguinity, if the request is received by the court or agency within 1 year after the date of death of the victim.
3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.
4. Each organization represented on such a team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.
5. A team organized or sponsored pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.
6. Before establishing a team to review the death of a victim pursuant to this section, a court or an agency shall adopt a written protocol describing its objectives and the structure of the team.

7. A team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning the victim who is the subject of the review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the team's review. Any information or records provided to a team pursuant to this subsection are confidential.
8. A team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to the review conducted by the team, including, without limitation, a multidisciplinary team:
(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 228.495;
(b) To review the death of a child organized pursuant to NRS 432B.405; or
(c) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.
9. Except as otherwise provided in subsection 10, each member of a team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.
10. Each member of a team organized or sponsored pursuant to this section who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.
11. The Attorney General:
(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a team organized or sponsored pursuant to this section; and
(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.
12. The results of the review of the death of a victim pursuant to this section are not admissible in any civil action or proceeding.
(Added to NRS by 1997, 3363; A 2011, 736)

CHAPTER 218E - LEGISLATIVE INVESTIGATIONS AND HEARINGS; LEGISLATIVE COMMISSION AND OTHER COMMITTEES

NRS 218E.625 Creation; personnel; general powers and duties; confidentiality of certain information.
1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. 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 October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.
3. The Bureau may, pursuant to NRS 218F.620, 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 and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. 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.
(Added to NRS by 1997, 1777; A 2003, 19th Special Session, 83; 2007, 2079; 2011, 2313, 3232)—(Substituted in revision for NRS 218.5356)

CHAPTER 218F - LEGISLATIVE COUNSEL BUREAU

NRS 218F.150 Officers and employees of Legislative Counsel Bureau not to oppose or urge legislation; exceptions; conditions and limitations on disclosure of information.
1. The Director and other officers and employees of the Legislative Counsel Bureau shall not:
(a) Oppose or urge legislation, except as the duties of the Director, the Legislative Auditor, the Legislative Counsel, the Research Director and the Fiscal Analysts require them to make recommendations to the Legislature.
(b) Except as otherwise provided in this section, NRS 218D.130, 218D.135, 218D.250 and 353.211, disclose to any person outside the Legislative Counsel Bureau the nature or content of any matter entrusted to the Legislative Counsel Bureau, and such matter is confidential and privileged and is not subject to subpoena, unless the person entrusting the matter to the Legislative Counsel Bureau requests or consents to the disclosure.
2. The nature or content of any work previously done by the officers and employees of the Research Division may be disclosed if or to the extent that the disclosure does not reveal the identity of the person who requested it or include any material submitted by the requester which has not been published or publicly disclosed.
3. The nature and content of the work product of the officers and employees of the Legal Division and the Fiscal Analysis Division are confidential and privileged and are not subject to subpoena.
4. When a statute has been enacted or a resolution adopted, the Legislative Counsel shall upon request disclose to any person the state or other jurisdiction from whose law it appears to have been adopted.
5. The records of the travel expenses of Legislators and officers and employees of the Legislature and the Legislative Counsel Bureau are available for public inspection at such reasonable hours and under such other conditions as the Legislative Commission prescribes.
(Added to NRS by 1977, 340; A 1979, 1327; 1985, 1131; 1987, 1167; 1989, 267; 1991, 462, 1835, 2447; 1993, 574, 575; 1995, 1107, 1950; 2011, 3238, 3672)—(Substituted in revision for part of NRS 218.625)

CHAPTER 218G - LEGISLATIVE AUDITS

NRS 218G.130 Retention of audit reports and other documents; confidentiality and destruction of working papers from audits; exceptions.
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 the Legislative Auditor.
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 NRS 239.0115; or
(b) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before the authorized representative or by any other person authorized by the Legislative Commission.
[16:205:1949; 1943 NCL § 7345.16]—(NRS A 1963, 1021; 1969, 497; 1973, 1664; 1977, 6; 1979, 291; 1985, 854; 2007, 2080)—(Substituted in revision for NRS 218.870)

NRS 218G.240 Presentation and distribution of final report to Legislative Commission; adoption of additional procedures; restrictions on disclosure before presentation.
1. The Legislative Auditor shall present a final written report of each audit to the Legislative Commission and furnish copies to all Legislators, other appropriate state officers and the head of the agency audited.
2. The Legislative Commission may by regulation provide for the:

(a) Presentation of the final written report of each audit to the Audit Subcommittee before the report is presented to the Legislative Commission.
(b) Distribution of copies of the final written report of an audit to each member of the Legislative Commission or Audit Subcommittee, or both, before the report is presented to the Legislative Commission.
(c) Distribution of copies of the final written report or a summary of the final report to all Legislators, other appropriate state officers and the head of the agency audited after the final report is presented to the Audit Subcommittee.
3. Except as otherwise provided by chapters 218A to 218H, inclusive, of NRS, the Legislative Auditor shall not disclose the content of any audit before it is presented to the:
(a) Audit Subcommittee, if the final written report is presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.
(b) Legislative Commission, if the final written report is not presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.
(Added to NRS by 1977, 756; A 1989, 264; 1991, 393; 2011, 3248)—(Substituted in revision for NRS 218.823)

NRS 218G.350 Selection of private firms; execution of contract; oversight; performance of audit; submission, presentation and distribution of report.
1. The Audit Subcommittee shall confer with the Legislative Auditor to establish standards of performance to be required of a firm chosen to perform an audit. The Audit Subcommittee shall conduct negotiations with each of the firms recommended for consideration by the Legislative Auditor and shall select the firm or firms which, in the judgment of the Audit Subcommittee, are best qualified to meet the standards of performance established. During the negotiations and in making its selection, the Audit Subcommittee shall consider:
(a) The competency of the firms being considered;
(b) The estimated cost of the services required to conduct the audit; and
(c) The scope and complexity of the services required.
2. Each contract for an audit must be signed by the Legislative Auditor and an authorized representative of the firm selected to perform the audit. The Legislative Auditor shall periodically inspect the performance of the firm performing the audit to ensure that the terms of the contract are being complied with.
3. Except as otherwise provided in this section and NRS 218G.330 and 218G.340, the officers and employees of a firm performing an audit shall keep information disclosed by an audit in strict confidence and shall not disclose the contents of an audit before it is presented to the Audit Subcommittee or submitted to the appropriate federal agency or an entity designated by the federal agency. The officers and employees of the firm have the same rights of access to books, accounts, records, files, correspondence or other documents that the Legislative Auditor has.
4. At the conclusion of the audit, the firm or firms which have performed the audit shall submit a written report of the audit to the Legislative Auditor. The Legislative Auditor shall follow the procedures set forth in NRS 218G.230, concerning preliminary audit reports and shall attend, or have a member of the Legislative Auditor's staff attend, the discussion held pursuant to that section.
5. The Legislative Commission may by regulation provide for the distribution of copies of the written report submitted to the Legislative Auditor pursuant to subsection 4, to each member of the Audit Subcommittee before the report is presented to the Audit Subcommittee pursuant to subsection 6.
6. The Legislative Auditor shall present the final audit report to the Audit Subcommittee and thereafter distribute the report or a summary of the report to Legislators, other appropriate state officers and the head of the agency audited. If federal law requires the Legislative Auditor to submit the final audit report to a federal agency or an entity designated by the federal agency, the Legislative Auditor may submit the report to the federal agency or entity before the Legislative Auditor presents it to the Audit Subcommittee.
(Added to NRS by 1981, 1177; A 1983, 162; 1991, 394; 1997, 107; 2011, 3250)—(Substituted in revision for NRS 218.893)

CHAPTER 228 - ATTORNEY GENERAL

NRS 228.270 Powers: Investigation and prosecution of alleged crimes; organization or sponsorship of multidisciplinary teams.
1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation or isolation of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:
(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or
(c) Jointly with the district attorney of the county in which the violation occurred.
2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be from abuse, neglect or isolation. A multidisciplinary team may include, without limitation, the following members:
(a) A representative of the Unit;
(b) Any law enforcement agency that is involved with the case under review;
(c) The district attorney's office in the county where the case is under review;
(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;
(e) A representative of the coroner's office; and
(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.
3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person who is the subject of the review or any person who was in contact with the older person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.
4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be the result of abuse, neglect or isolation.
(Added to NRS by 2007, 745; A 2009, 2448)

NRS 228.450 Duties; confidentiality of certain information collected in discharge of duties; use of grants to compensate.
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 the duties and functions of his or her office.
2. Except as otherwise provided in this subsection, 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.
(Added to NRS by 1997, 1819)

NRS 228.495 Organizing or sponsorship; powers and duties; membership; participation by organizations concerned with domestic violence; authority and duties of Attorney General; immunity and liability of members; inadmissibility of review; report.
1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:
(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;
(b) Determine the number and type of incidents the team wishes to review;
(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and
(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.
2. A multidisciplinary team organized or sponsored pursuant to this section may include, without limitation, the following members:
(a) A representative of the Attorney General;
(b) A representative of any law enforcement agency that is involved with a case under review;
(c) A representative of the district attorney's office in the county where a case is under review;
(d) A representative of the coroner's office in the county where a case is under review;
(e) A representative of any agency which provides social services that is involved in a case under review;
(f) A person appointed pursuant to subsection 3; and
(g) Any other person that the Attorney General determines is appropriate.
3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney General and is subject to the approval of the Attorney General or his or her designee.
4. Each organization represented on a multidisciplinary team organized or sponsored pursuant to this section may share with other members of the team information in its possession concerning a victim who is the subject of a review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.
5. The organizing or sponsoring of a multidisciplinary team pursuant to this section does not grant the Attorney General supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.
6. Before organizing or sponsoring a multidisciplinary team pursuant to this section, the Attorney General shall adopt a written protocol describing the objectives and structure of the team.
7. A multidisciplinary team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the review. Any information or records provided to a team pursuant to this subsection are confidential.
8. A multidisciplinary team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to a review conducted by the team, including, without limitation, a multidisciplinary team:
(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;
(b) To review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be from abuse, neglect or isolation organized pursuant to NRS 228.270;
(c) To review the death of a child organized pursuant to NRS 432B.405; or
(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.
9. Except as otherwise provided in subsection 10, each member of a multidisciplinary team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.
10. Each member of a multidisciplinary team organized or sponsored pursuant to this section who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.
11. The Attorney General:
(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a multidisciplinary team organized or sponsored pursuant to this section; and
(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.
12. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.
13. A multidisciplinary team organized or sponsored pursuant to this section shall submit a report of its activities to the Attorney General. The report must include, without limitation, the findings and recommendations of the team.

The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.
(Added to NRS by 2011, 734)

NRS 228.570 Publication of information in registry. To the extent consistent with federal law:
1. The registry is not a public record. Any list published of the telephone numbers contained within the registry is not a public record.
2. The telephone numbers in the registry must not be published or released except pursuant to the provisions of NRS 228.500 to 228.640, inclusive.
3. The information in the registry other than the telephone numbers:
(a) Must not be published or released; and
(b) May only be used by the Attorney General to administer the provisions of NRS 228.500 to 228.640, inclusive.
(Added to NRS by 2003, 2881)

CHAPTER 231 - ECONOMIC DEVELOPMENT, TOURISM AND CULTURAL AFFAIRS

NRS 231.069 Office of Economic Development: Confidentiality of records and documents submitted by client.
1. Except as otherwise provided in NRS 239.0115, if so requested by a client, the Office 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 or her 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 or her business in Nevada which is within the jurisdiction of a state agency other than the Office; or
(b) Decides to locate his or her business in Nevada.
(Added to NRS by 1987, 1671; A 1989, 554; 2007, 2080; 2011, 3443)

CHAPTER 233 - NEVADA EQUAL RIGHTS COMMISSION

NRS 233.190 Confidentiality of information.
1. Except as otherwise provided in this section or NRS 239.0115, 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 NRS 239.0115, 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.
(Added to NRS by 1977, 1606; A 2003, 1330; 2007, 2080)

CHAPTER 237 - MISCELLANEOUS PROVISIONS APPLICABLE TO GOVERNMENTAL ENTITIES

NRS 237.300 Provision to State Demographer by certain counties; provision to certain state agencies upon request by State Demographer; exception; provision of summary of research; confidentiality.
1. Notwithstanding any other provision of law, not later than September 1 of each year, each county which possesses or maintains a digital parcel base map for the county shall provide the digital parcel base map for the county, as of June 30 of that year, to the State Demographer at no charge. The State Demographer may not require a county to provide a digital parcel base map in a particular electronic format or to use any specific software to provide the digital parcel base map. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.
2. A state agency engaged in activities related to economic development or population estimate research may request the digital parcel base maps for each county that possesses or maintains a digital parcel base map by submitting a written request to the State Demographer. The written request must include, without limitation:
(a) The name and address of the state agency;
(b) A statement of the purpose for which the state agency is seeking the digital parcel base maps; and
(c) A summary of the research or statistical reports which will be produced from the digital parcel base maps.
3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the digital parcel base maps provided to the State Demographer pursuant to subsection 1.
4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.
5. A state agency receiving a digital parcel base map pursuant to this section shall provide to the county that provided the digital parcel base map and the Office of Economic Development, at no charge, a summary of the research produced from that information.
6. A state agency receiving a digital parcel base map pursuant to this section shall keep the digital parcel base map confidential, and, except as otherwise provided in subsection 5, the State Demographer, or any employee or other agent of a state agency receiving a digital parcel base map for a county pursuant to this section, shall not provide the digital parcel base map to any person or governmental agency.
7. As used in this section:
(a) "Digital parcel base map" means a map in an electronic format that contains the boundaries of the parcels in the county.
(b) "State agency" means:
(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and
(2) Faculty of the Nevada System of Higher Education or any branch or facility thereof.
(c) "State Demographer" means the demographer employed pursuant to NRS 360.283.
(Added to NRS by 2011, 3492)

CHAPTER 239 - PUBLIC RECORDS

NRS 239.0105 Confidentiality of certain records of local governmental entities.
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 or her 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;
(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 NRS 239.0115.
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.
(Added to NRS by 2005, 1040; A 2007, 2063)

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2007, 2062)

CHAPTER 239B - DISCLOSURE OF PERSONAL INFORMATION TO GOVERNMENTAL AGENCIES

NRS 239B.030 Recorded, filed or otherwise submitted documents.
1. Except as otherwise provided in subsections 2 and 6, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.
2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information is maintained in a confidential manner and may only disclose the personal information as required:
(a) To carry out a specific state or federal law; or
(b) For the administration of a public program or an application for a federal or state grant.
□ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.
3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.
4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

5. On or before January 1, 2017, each governmental agency shall ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:
(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or
(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.
□ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.
6. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:
(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.
(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.
□ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.
7. As used in this section:
(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.
(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.
(Added to NRS by 2005, 2507; A 2005, 22nd Special Session, 97; 2007, 1311)

NRS 239B.040 Databases containing electronic mail addresses or telephone numbers of certain persons; use of information; confidentiality.
1. Except as otherwise provided in this section or by specific statute:
(a) If a person or his or her agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that governmental entity, the governmental entity may maintain the electronic mail address or telephone number in a database.
(b) A database described in this subsection:
(1) Is confidential;
(2) Is not a public book or record within the meaning of NRS 239.010; and
(3) Must not be disclosed in its entirety as a single unit.
2. The individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually in accordance with applicable law if the person or his or her agent provides the electronic mail address or telephone number to a governmental entity:
(a) In the course of an existing business or contractual relationship with the governmental entity; or
(b) In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.
3. A governmental entity:
(a) Shall disclose in its entirety as a single unit a database described in subsection 1 in response to an order issued by a court of competent jurisdiction; and
(b) May disclose in its entirety as a single unit a database described in subsection 1 upon a finding by the governing body of the governmental entity that the disclosure of the database is necessary:
(1) To protect the public safety; or
(2) To assist in the investigation or prosecution of a crime.

4. The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address or telephone number of a person.
5. As used in this section, "telephone number" includes, without limitation, the telephone number for a facsimile machine or telecopier.
(Added to NRS by 2005, 1043)

NRS 239B.050 Websites.
1. If a public body maintains a website on the Internet, the public body shall not disclose on that website personal information unless the disclosure is required by a federal or state law or for the administration of a public program or an application for a federal or state grant.
2. If it appears that a public body has engaged in or is about to engage in any act or practice which violates subsection 1, the Attorney General or the appropriate district attorney may file an action in any court of competent jurisdiction for an injunction to prevent the occurrence or continuance of that act or practice.
3. An injunction:
(a) May be issued without proof of actual damage sustained by any person.
(b) Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.
4. As used in this section:
(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.
(b) "Public body" has the meaning ascribed to it in NRS 205.462.
(Added to NRS by 2005, 2503; A 2007, 1312)

CHAPTER 239C - HOMELAND SECURITY

NRS 239C.140 Meetings: Compliance with Open Meeting Law; exceptions; confidentiality.
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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2003, 2454; A 2007, 2064)

NRS 239C.210 Confidentiality of certain documents, records or other items of information upon declaration of Governor; penalties; decennial review.
1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to:
(a) Public safety and public health personnel; and
(b) Except as otherwise provided in this subsection, the Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive,
□ if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130. The Legislative Auditor may confirm that vulnerability assessments have been submitted to or are in the possession of a state agency that is the subject of a postaudit, but the assessments must not be inspected by or released to the Legislative Auditor. An employee of the Audit Division of the Legislative Counsel Bureau who is conducting a postaudit that includes access to documents or information subject to the provisions of this section must be properly

cleared through federal criteria or state or local background investigation and instructed, trained or certified, as applicable, regarding the security sensitivity of the documents or information.
2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:
(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.
(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.
(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.
(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.
(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.
(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:
(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;
(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and
(3) Plans used to re-establish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.
(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State, any of its political subdivisions or tribal governments. The term includes general improvement districts.
3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of 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.
4. The Governor shall review the documents, records and other items of information determined by executive order pursuant to subsection 1 to be confidential every 10 years to assess the continued need for the documents, records and other items of information to remain confidential.
5. As used in this section, "public safety and public health personnel" includes:
(a) State, county, city and tribal emergency managers;
(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;
(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and
(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.
(Added to NRS by 2003, 2456; A 2007, 2963, 2965; 2011, 2882)

NRS 239C.230 Custodian of restricted document; log of inspections.
1. A public officer or employee who is the custodian of a restricted document shall establish a log to record:
(a) The information described in subsection 1 of NRS 239C.220 when a person is allowed to inspect the document; and
(b) The date and time of the inspection.

2. The log is not a public record and may be inspected only by:
(a) A representative of a law enforcement agency; or
(b) A reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station.
(Added to NRS by 2003, 2457; A 2007, 2965)

NRS 239C.250 Response plans of political subdivisions: Confidentiality.
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. Except as otherwise provided in NRS 239.0115, 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;
(b) As is reasonably necessary in the case of an act of terrorism or related emergency; or
(c) Pursuant to the provisions of NRS 239.0115.
(Added to NRS by 2003, 2458; A 2005, 1535; 2007, 2064)

NRS 239C.270 Vulnerability assessment and response plan of utility: Confidentiality; penalties.
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. Except as otherwise provided in NRS 239.0115, 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. Except as otherwise provided in NRS 239C.210, 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;
(c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division; or

(d) Pursuant to the provisions of NRS 239.0115.
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.
(Added to NRS by 2003, 2460; A 2005, 1536; 2007, 2065; 2011, 2884)

CHAPTER 240 - NOTARIES PUBLIC AND COMMISSIONED ABSTRACTERS

NRS 240.007 Information and documents filed with or obtained by Secretary of State: Public examination; confidentiality; disclosure.
1. Except as otherwise provided in subsections 2 and 3, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.206, inclusive, are public information and are available for public examination.
2. Information and documents filed with or obtained by the Secretary of State pursuant to or in accordance with subsection 3 of NRS 240.010 are not public information and are confidential.
3. Except as otherwise provided in subsections 4 and 5 and in NRS 239.0115, 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 240.206, inclusive, are not public information and are confidential.
4. 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 240.206, inclusive, to the appropriate district attorney for the purpose of prosecuting a criminal action.
5. 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 240.206, inclusive, to an agency of this State or a political subdivision of this State.
(Added to NRS by 1999, 74; A 2005, 2274; 2007, 2066; 2009, 3026)

CHAPTER 241 - MEETINGS OF STATE AND LOCAL AGENCIES

NRS 241.020 Meetings to be open and public; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.
1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.
2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:
(a) The time, place and location of the meeting.
(b) A list of the locations where the notice has been posted.
(c) An agenda consisting of:
(1) A clear and complete statement of the topics scheduled to be considered during the meeting.
(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item.
(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:
(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or
(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

□ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

□ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

□ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

(Added to NRS by 1960, 25; A 1977, 1099, 1109; 1979, 97; 1989, 570; 1991, 785; 1993, 1356, 2636; 1995, 562, 1608; 2001, 2395; 2003, 488; 2005, 2243; 2007, 1122; 2009, 2288; 2011, 2386, 2838)

NRS 241.030 Exceptions to requirement for open and public meetings; waiver of closure of meeting by certain persons.

1. Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to:

(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.

(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:

(a) May be made at any time before or during the meeting; and

(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

(a) The nature of the business to be considered; and

(b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. Except as otherwise provided in this subsection, meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter. The provisions of this subsection do not apply to meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

5. This chapter does not:

(a) Apply to judicial proceedings.

(b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

(c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.

(d) Require that any meeting be closed to the public.

(e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

6. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

(Added to NRS by 1960, 25; A 1977, 1100; 1983, 331; 1993, 2637; 2005, 977, 2244; 2011, 2384)

CHAPTER 242 - INFORMATION SERVICES

NRS 242.105 Confidentiality of certain documents relating to homeland security: List; biennial review; annual report.

1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Division to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the Administrator, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to re-establish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Administrator shall maintain or cause to be maintained a list of each record or portion of a record that the Administrator has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Administrator shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Administrator has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Administrator determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the Administrator shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.

(Added to NRS by 2003, 2461; A 2005, 268; 2011, 2950)

CHAPTER 244 - COUNTIES: GOVERNMENT

NRS 244.264 Confidentiality of records or other documents.

1. An organization for economic development formed by one or more counties 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 the executive head stating that a request for confidentiality was made by the client and showing 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 the client's business in a county 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 the client's business in a county that formed the organization for economic development.
(Added to NRS by 1995, 2197)

NRS 244.335 Powers of commissioners and county license boards; application for certain licenses; license tax as lien; confidential information.
1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, 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. 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 or her profession for any type of compensation as an employee.
5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:
(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or
(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.
6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:
(a) Presents written evidence that:
(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or
(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or
(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).
7. 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.

8. 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 239.0115 and 244.3357, 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 or Secretary of State for the exchange of information concerning taxpayers.

[Part 8:80:1865; A 1871, 47; 1931, 52; 1933, 203; 1953, 681]—(NRS A 1959, 220; 1961, 364; 1963, 794; 1971, 497; 1973, 324; 1977, 818; 1979, 727; 1983, 759; 1985, 386; 1987, 2306; 1989, 242, 906, 1970; 1991, 27, 165, 2461; 1993, 2651; 1995, 2803; 1997, 3167; 2003, 2894; 2003, 20th Special Session, 192; 2005, 729, 1134, 2335; 2007, 2081; 2009, 2046; 2011, 3587)

CHAPTER 250 - COUNTY ASSESSORS

NRS 250.087 Parcel datasets.

1. Notwithstanding any other provision of law, not later than September 1 of each year, a county assessor shall provide to the State Demographer at no charge the parcel dataset of the county assessor as of June 30 of that year. The State Demographer may not require a county assessor to provide information pursuant to this subsection in a particular digital or electronic format or to use any specific software to provide the information. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the parcel datasets provided to the State Demographer pursuant to subsection 1 by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the parcel datasets; and

(c) A summary of the research or statistical reports which will be produced from the parcel datasets.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the parcel datasets provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving parcel datasets pursuant to this section shall provide to the county that provided the parcel datasets and the Office of Economic Development, at no charge, a summary of the research produced from that information.

6. The State Demographer or any employee or other agent of a state agency receiving parcel datasets pursuant to this section shall not knowingly:

(a) Publish or otherwise disclose any information made confidential pursuant to NRS 250.100 to 250.230, inclusive; or

(b) Use any information made confidential pursuant to NRS 250.100 to 250.230, inclusive, to contact any person.

7. A person who violates subsection 6 is guilty of a misdemeanor and, in addition, the court may order a person who violates subsection 6 to pay a civil penalty in an amount not to exceed $2,500 for each act.

8. A state agency receiving a parcel dataset pursuant to this section shall keep the parcel dataset confidential, and, except as otherwise provided in subsection 5, the State Demographer, or any employee or other agent of a state

agency receiving a parcel dataset pursuant to this section, shall not provide the parcel dataset to any person or governmental agency.
9. As used in this section:
(a) "Parcel dataset" means data or files maintained in digital or electronic format by a county assessor in the course of his or her duties that contain information on each parcel in the county, including, without limitation, information concerning ownership, parcel number, address, land designations and zoning, improvements and, if applicable, the date and price of sale.
(b) "State agency" means:
(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and
(2) Faculty of the Nevada System of Higher Education or any branch or facility thereof.
(c) "State Demographer" means the demographer employed pursuant to NRS 360.283.
(Added to NRS by 2011, 3490)

NRS 250.130 Court order to maintain confidentiality of personal information.
1. Any person listed in NRS 250.140 who wishes to have personal information about himself or herself that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:
(a) States that the affiant qualifies as a person listed in NRS 250.140; and
(b) Sets forth sufficient justification for the request for confidentiality.
2. Upon receipt of such an order, a county assessor shall keep such information confidential and shall not:
(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or
(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.
(Added to NRS by 2005, 1482)

NRS 250.140 Certain persons authorized to request personal information maintained by county assessor to be kept confidential.
1. The following persons may request that personal information contained in the records of a county assessor be kept confidential:
(a) Any justice or judge in this State.
(b) Any peace officer or retired peace officer.
(c) The spouse or minor child of a person described in paragraph (a) or (b).
(d) The surviving spouse or minor child of a person described in paragraph (a) or (b) who was killed in the performance of his or her duties.
2. As used in this section, "peace officer" means:
(a) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and
(b) Any person:
(1) Who resides in this State;
(2) Whose primary duties are to enforce the law; and
(3) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.
(Added to NRS by 2005, 1482)

NRS 250.150 Disclosure of confidential information maintained by county assessor. If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 239.0115, 250.087, 250.160 or 250.180.
(Added to NRS by 2005, 1482; A 2007, 2084; 2011, 3491)

CHAPTER 268 - POWERS AND DUTIES COMMON TO CITIES AND TOWNS INCORPORATED UNDER GENERAL OR SPECIAL LAWS

NRS 268.095 Powers of governing body; application for certain licenses; imposition of license tax; uses of proceeds of tax; license tax as lien; enforcement of lien; confidentiality of information concerning tax or taxpayer.

1. Except as otherwise provided in subsection 4, and NRS 268.0951, 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. 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 or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the entity number of the applicant assigned by the Secretary of State which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

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

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or
(b) Provides to the city licensing agency the entity number of the applicant assigned by the Secretary of State which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).
7. 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.
8. 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 239.0115 and 268.0966, 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 or the Secretary of State for the exchange of information concerning taxpayers.
9. 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.
(Added to NRS by 1957, 643; A 1960, 179; 1963, 794; 1971, 497; 1973, 325; 1983, 761; 1987, 1712; 1989, 908; 1991, 31, 2327, 2462; 1993, 617, 2653; 1995, 2806; 1997, 3169; 2001, 885; 2003, 20th Special Session, 193; 2005, 732, 2340; 2007, 2084; 2009, 2048; 2011, 3590)

NRS 268.490 Records; confidentiality. 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 NRS 239.0115, 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.
(Added to NRS by 1960, 115; A 2007, 2086)

NRS 268.910 Organization for economic development: Confidentiality of records and documents.
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 the executive head stating that a request for confidentiality was made by the client and showing the date of the request.
2. Except as otherwise provided in NRS 239.0115, records and documents that are confidential pursuant to subsection 1 remain confidential until the client:
(a) Initiates any process regarding the location of his or her 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 or her business in a city that formed the organization for economic development.
(Added to NRS by 1995, 2198; A 2007, 2086)

CHAPTER 271A - TOURISM IMPROVEMENTS

NRS 271A.105 Annual report to Legislature by municipality; semiannual report to Legislature by Department of Taxation.
1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:
(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.
(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.
2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:
(a) On or before April 1 and October 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:
(1) The amount of revenue from the taxable sales made each month by each business within the district;
(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;
(3) The amount of the wages paid each month by each business within the district; and
(4) The number of full-time and part-time employees employed each month by each business within the district.
(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).
3. Except as otherwise provided in subsection 2 or another specific statute, the Department of Taxation shall not disclose any information reported to the Department pursuant to subsection 2.
4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.
(Added to NRS by 2011, 3333)

TITLE 23 - PUBLIC OFFICERS AND EMPLOYEES

NRS 281.195 Access by state agency to computers assigned or loaned to officers, employees and contractors: Requirements; exceptions; reports of inappropriate use; adoption of policies and procedures for responding to such reports.
1. Except as otherwise provided in subsection 3, a state agency that accesses or causes to be accessed a computer of the state agency that has been assigned or loaned by the state agency to an officer, employee or contractor for the officer's, employee's or contractor's exclusive or routine use in carrying out the duties of the officer's, employee's or contractor's position shall notify the officer, employee or contractor of such access.
2. The notice of access required pursuant to subsection 1 must be provided in a uniform and understandable format. The notice may be provided before or after such access occurs, but not more than 48 hours before or 48 hours after such access occurs.
3. The head of a state agency, any state officer to whom the head of the state agency reports or the appointee or designee of either may authorize the access of a computer of the state agency without providing the notice of access otherwise required by subsections 1 and 2:
(a) If the access occurs during the course of:
(1) An internal investigation which is conducted within the state agency by the personnel of the state agency as authorized by law and any information concerning such access is kept in a file maintained by the state agency pertaining to the investigation; or
(2) An investigation which is conducted by a state or federal law enforcement agency.
(b) Except as otherwise provided in subsection 5, if the access occurs in the course of regular or routine maintenance conducted by an employee of the state agency whose duties include the regular or routine maintenance

of the computers of the state agency and the state agency has adopted by regulation and implemented the procedure set forth in subsection 4.
(c) If a state agency has adopted by regulation the procedure set forth in subsection 4 and the access occurs after recording the information required pursuant to subsection 4.
4. A state agency may adopt by regulation a procedure to record access to computers of the state agency in a log maintained by the state agency for that purpose. If a state agency adopts such a procedure, the procedure must include, without limitation, a requirement for the recording of the following information concerning the access in the log:
(a) The date on which the access will occur and, if known, the time at which the access will occur on that date;
(b) As determined by the officer, appointee or designee who authorizes the access, a reasonable explanation of the exigent circumstances or other relevant considerations which justify accessing the computer without the knowledge of the officer, employee or contractor to whom the agency has assigned or loaned the computer;
(c) The name of each person who will be authorized or required to perform the access;
(d) The name of each person who will be allowed to examine information stored on the computer or retrieved from the computer; and
(e) The name of each person who will be authorized or required to archive, maintain, store, transfer, transmit or destroy information retrieved from the computer.
Ê The log described in this subsection, and any entries in that log, are confidential and not public books or records within the meaning of NRS 239.010, but must be disclosed upon the lawful order of a court of competent jurisdiction.
5. If an employee discovers evidence of inappropriate use while accessing a computer to perform regular or routine maintenance:
(a) The employee shall provide the details of the alleged inappropriate use to the officer, appointee or designee who authorized the access, and to any other appropriate personnel of the state agency; and
(b) Information concerning the access must be recorded in the log maintained by the state agency.
6. Each state agency that has adopted a policy for the use of the computers of the state agency shall adopt policies and procedures for responding to reports of the inappropriate use of those computers, including, without limitation, provisions relating to the transfer, transmission and destruction of information.
7. As used in this section:
(a) "Access" includes, without limitation, adding, copying, deleting, manipulating or observing the files or other information stored on a computer, whether such actions are carried out directly or remotely.
(b) "Inappropriate use" means the use of a computer of a state agency in a manner that:
(1) If the state agency is an agency of the Executive Branch of State Government, violates the written policy created by the agency pursuant to NRS 242.300.
(2) If the state agency is an agency of the Legislative or Judicial Branch of State Government, violates the policy, if any, established by that agency for the use of the computers of the agency.
(3) Violates any state or federal law.
(c) "State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive, Legislative or Judicial Branches of State Government.
(Added to NRS by 2005, 671)

CHAPTER 281A - ETHICS IN GOVERNMENT

NRS 281A.440 Rendering of opinions by Commission: Requests; determination of just and sufficient cause; notice and hearings; confidentiality.
1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as an officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:
(a) Binding upon the requester as to the requester's future conduct; and
(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:
(a) Upon request from a specialized or local ethics committee.
(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:
(1) The request on a form prescribed by the Commission; and
(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.
(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.
Ê The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.
3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.
4. The Executive Director shall complete the investigation and present a recommendation relating to just and sufficient cause to the investigatory panel within 70 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. If, after the investigation, the Executive Director determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific evidence that supports the Executive Director's recommendation. If, after the investigation, the Executive Director determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific reasons for the Executive Director's recommendation.
5. Within 15 days after the Executive Director has provided the Executive Director's recommendation in the matter to the investigatory panel, the investigatory panel shall make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept, and such a record must remain confidential until the investigatory panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.
6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.
7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:
(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;
(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or
(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in this subsection, each document in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the Commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 may in writing authorize the Commission to make its files, material and information which are related to the request publicly available.

9. Except as otherwise provided in paragraphs (a) and (b), the proceedings of the investigatory panel are confidential until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter. A person who:

(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:

(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that the person filed with the Commission or the substance of testimony, if any, that the person gave before the Commission.

(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person requested an opinion from the Commission.

(b) Gives testimony before the Commission may:

(1) At any time, reveal to a third party the substance of testimony that the person gave before the Commission.

(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person gave testimony before the Commission.

10. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

Ê The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

11. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

12. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

Ê the Commission may decline to render an opinion.

13. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

14. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

15. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

(Added to NRS by 1977, 1107; A 1985, 2124; 1987, 2095; 1991, 1598; 1995, 2443; 1997, 3327; 1999, 665, 2739; 2003, 3391; 2007, 615; 2009, 1061)—(Substituted in revision for NRS 281.511)

NRS 281A.470 Specialized or local ethics committee: Establishment; functions; confidentiality.

1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.
(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:
(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and
(2) Upon review, approved by the Secretary of State.
2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.
3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:
(a) The public officer or employee acts in contravention of the opinion; or
(b) The requester discloses the content of the opinion.
(Added to NRS by 1977, 1107; A 1985, 2126; 1991, 105; 1995, 2198, 2445; 1997, 640, 641; 2011, 1727)—
(Substituted in revision for NRS 281.541)

NRS 281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; determination by Commission.
1. A former member of the Public Utilities Commission of Nevada shall not:
(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or
(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,
Ê for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.
2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:
(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or
(b) Be employed by such a person,
Ê for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.
3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:
(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;
(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or
(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.
4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:
(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;
(b) The former public officer holds a license issued by the board, commission or similar body; and
(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.
5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for

supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:
(a) The amount of the contract exceeded $25,000;
(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and
(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.
6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:
(a) The best interests of the public;
(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and
(c) The provisions of this chapter,
Ê it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.
7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:
(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;
(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or
(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.
8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.
9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.
(Added to NRS by 2009, 1044)

CHAPTER 284 - STATE PERSONNEL SYSTEM

NRS 284.4068 Screening tests: Results confidential; admissibility of results; security; disclosure. Except as otherwise provided in NRS 239.0115, 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 the designated representative of the appointing authority 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 the person is physically unable to give the person's 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.
(Added to NRS by 1991, 1351; A 2007, 2087)

NRS 289.025 Confidentiality of home address and photograph of peace officer in possession of law enforcement agency; exceptions.

1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, 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 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.
3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:
(a) A report of a 911 telephone call.
(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.
(c) A statement made by a witness.
(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.
(Added to NRS by 2005, 621; A 2007, 2087, 2815)

NRS 289.080 Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to review and copy investigation file upon appeal.

1. Except as otherwise provided in subsection 4, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.
2. Except as otherwise provided in subsection 4, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.
3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.
4. A representative must not otherwise be connected to, or the subject of, the same investigation.
5. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.
6. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:
(a) Request of the peace officer; or
(b) Lawful order of a court of competent jurisdiction.
Ê A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.
7. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:
(a) Stenographic transcript of the proceedings; or
(b) Recording on the digital or magnetic tape.
8. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.
(Added to NRS by 1983, 2098; A 1991, 647; 1993, 2380; 2005, 623; 2011, 1752)

NRS 289.387 Panel of board: Selection of members; powers and duties; proceedings; rights of officer investigated.

1. A review board that is created pursuant to paragraph (a) of subsection 2 of NRS 289.380 or pursuant to NRS 289.383 must meet in panels of five members to carry out its duties.

2. A review board that is created pursuant to paragraph (b) of subsection 2 of NRS 289.380 must meet in panels of three members to carry out its duties.

3. Members must be selected randomly to serve on a panel, and the panel shall select one of its members to serve as chair of the panel.

4. A panel of a review board created pursuant to NRS 289.380 or 289.383 may:

(a) Refer a complaint against a peace officer, school police officer, constable or deputy of a constable to the employer of the peace officer, school police officer, constable or deputy of a constable.

(b) Review an internal investigation of a peace officer, school police officer, constable or deputy of a constable within the jurisdiction of the governing body that created the review board and make recommendations regarding any disciplinary action against the peace officer, school police officer, constable or deputy of a constable that is recommended by his or her employer, including, without limitation:

(1) Increasing or decreasing the recommended level of discipline; and

(2) Exonerating the peace officer, school police officer, constable or deputy of a constable who has been the subject of the internal investigation.

5. The employer of a peace officer, school police officer, constable or deputy of a constable shall make available to a panel of the review board any personnel file or other material necessary for the panel to conduct a review.

6. When reviewing an internal investigation of a peace officer, school police officer, constable or deputy of a constable pursuant to subsection 4, the panel shall provide the peace officer, school police officer, constable or deputy of a constable with notice and an opportunity to be heard. The peace officer, school police officer, constable or deputy of a constable may represent himself or herself at the hearing before the panel or be represented by an attorney or other person of his or her own choosing. The review board, governing body and employer of the peace officer, school police officer, constable or deputy of a constable are not responsible for providing such representation.

7. The chair of a panel of a review board shall report the findings and recommendation of the panel regarding disciplinary action to the employer of the peace officer, school police officer, constable or deputy of a constable.

8. A police officer, school police officer, constable or deputy of a constable may appeal a recommendation made by a panel of the review board. The ordinance pursuant to which the review board is created must specify the manner for conducting appeals, and may provide for, if both parties agree, without limitation, mediation, conciliation or review by another panel of randomly selected members of the review board. If the appeal is heard by another panel of the review board, the determination made by the panel hearing the appeal is final and binding and is not subject to judicial review.

9. The findings and recommendation of a panel of the review board are public records unless otherwise declared confidential by state or federal law.

10. A proceeding of a panel of such a review board is closed to the public.

(Added to NRS by 1997, 2516)

TITLE 24 – ELECTIONS

NRS 293.5002 Registration of person with fictitious address: Form of application; maintenance of application by Secretary of State and county clerk.

1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) Register to vote; and

(b) Vote by absent ballot,

Ê without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to register to vote or to change the address of the person's current registration. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and
(b) File the portion of the form that contains the confidential address.
4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.
5. Notwithstanding any other provision of law:
(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for registration.
(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:
(1) Inspection or copying; or
(2) Inclusion in any list that is made available for public inspection,
Ê unless directed to do so by lawful order of a court of competent jurisdiction.
(Added to NRS by 1997, 1331; A 2001, 695)

NRS 293.503 County clerk is ex officio county registrar; custody of documents relating to registration; official records of office of county clerk; maintenance of records; time limitation on program to remove names of ineligible persons; availability of records for public inspection; confidential information.
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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1960, 272; A 1971, 447; 1995, 2269; 2007, 2087)

NRS 293.558 Disclosure of identification numbers to public; county clerk prohibited from disclosing social security number, driver's license number or identification card number; registered voter may request that address and telephone number be withheld from public.
1. The county clerk shall disclose the identification number of a registered voter to the public, including, without limitation:
(a) In response to an inquiry received by the county clerk; or
(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.
2. The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.
3. A registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:
(a) In response to an inquiry received by the county clerk; or
(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.
4. No information other than the address, telephone number, social security number and driver's license or identification card number of a registered voter may be withheld from the public.
(Added to NRS by 1995, 2773; A 1997, 3468; 2001, 2956; 2005, 2290)

CHAPTER 293B - MECHANICAL VOTING SYSTEMS

NRS 293B.135 Filing before election; inspection.
1. A copy of each election computer program certified by the accuracy certification board for an election in the State must be filed with the Secretary of State at least 1 week before the election. Copies of any subsequent alterations in the program must be filed in the same manner before the election.
2. The copies of the programs filed pursuant to subsection 1 are not public records and are not available for inspection by the public.
3. A copy of a program may be inspected:
(a) By the judge, body or board before whom an election is being contested;
(b) Jointly by the parties to the contest if ordered by the judge, body or board; or
(c) By any other person who is authorized by a court of competent jurisdiction.
(Added to NRS by 1975, 1523; A 1989, 2171)

CHAPTER 293D - UNIFORMED MILITARY AND OVERSEAS ABSENTEE VOTERS ACT

NRS 293D.510 Electronic-mail address of covered voter: Request by local elections official; confidentiality; use; standing request for electronic delivery of military-overseas ballot for certain period.
1. The local elections official shall request an electronic-mail address from each covered voter who registers to vote. An electronic-mail address provided by a covered voter is confidential and is not a public book or record within the meaning of NRS 239.010. A local elections official may not release a covered voter's electronic-mail address to a third party. A local elections official may use the address only to communicate with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the covered voter has requested electronic transmission, and verifying the covered voter's mailing address and physical location, as needed. A request for an electronic-mail address under this subsection must describe the purpose for which the electronic-mail address will be used and state that any other use or disclosure is prohibited.
2. A covered voter who provides an electronic-mail address may request that his or her application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies. The local elections official shall provide a military-overseas ballot to a covered voter who makes a request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is also entitled to receive a military-overseas ballot for the general election.
(Added to NRS by 2011, 1921)

TITLE 27 - PUBLIC PROPERTY AND PURCHASING

NRS 331.110 Lease of offices outside state buildings; inventory of state property; confidentiality; program to track use of energy.
1. Except as otherwise provided by law, the Administrator may lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.
2. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission, the Administrator shall consider, without limitation:
(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and
(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.
3. Each state officer, department, agency, board and commission shall maintain and provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Division of the Department of Administration shall maintain and provide to the Administrator an inventory of all real property owned by the State.

4. Except as otherwise provided in subsection 6, the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:
(a) The location, size and current use of the real property; and
(b) The terms of the lease, including, without limitation, the cost to the State.
5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.
6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.
7. An owner of a building who enters into a contract with a state agency for occupancy in the building:
(a) If the contract is entered into before May 28, 2009, may comply with the program; and
(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.
□ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.
8. As used in this section, "program" means the program established pursuant to NRS 701.218.
[8:320:1949; 1943 NCL § 6976.28]—(NRS A 1971, 172; 1993, 1561; 2001, 809; 2005, 5; 2011, 2552, 2957)

CHAPTER 332 - PURCHASING: LOCAL GOVERNMENTS

NRS 332.061 Limitation on disclosure of proprietary information and of bid containing provision requiring negotiation or evaluation.
1. Except as otherwise provided in this subsection and NRS 239.0115, 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.
(Added to NRS by 1995, 1731; A 2001, 1315; 2005, 2553; 2007, 2088)

NRS 332.351 Qualification as qualified service company; investigation and determination by local governments; confidentiality of certain information.
1. Except as otherwise provided in NRS 332.353, a person who wishes to qualify as a qualified service company and submit a proposal for a performance contract with a local government must file an application with the local government.
2. Upon receipt of an application pursuant to subsection 1, the local government shall:
(a) Investigate the applicant to determine whether the applicant is qualified to bid on a performance contract; and
(b) After conducting the investigation, determine whether the applicant is qualified to bid on a performance contract.
3. The local government shall notify each applicant in writing of its determination.
4. 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 local government.
5. Except as otherwise provided in NRS 332.353, the local government shall use only the criteria described in NRS 332.352 in determining whether to approve or deny an application.

6. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.
(Added to NRS by 2009, 962)

CHAPTER 333 - PURCHASING: STATE

NRS 333.333 Proprietary information regarding trade secret: Confidentiality; disclosure.
1. Except as otherwise provided in subsection 2 and NRS 239.0115, 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.
(Added to NRS by 1995, 1732; A 2007, 2088)

NRS 333.335 Proposals: Evaluation; factors to be considered before making an award; relative weight of factors; special procedures if contract is being awarded for Public Employees' Benefits Program; confidentiality.
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 Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to NRS 333.135, if the Administrator 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 Administrator 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. If the contract is being awarded for the Public Employees' Benefits Program, the Executive Officer of the Program may observe the activities of the committee, but may not vote or otherwise participate in the evaluation.
3. In making an award, the chief of the using agency, the Administrator 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; and
(d) Any other factor disclosed in the request for proposals.
4. The chief of the using agency, the Administrator 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. Except as otherwise provided in this subsection, the chief of the using agency, the Administrator 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. If the contract is being awarded for the Public Employees' Benefits Program, the Administrator of the Purchasing Division or the committee, if a committee is established, shall submit recommendations for awarding the contract to the Board for the Public Employees' Benefits Program, which shall award the contract in accordance with NRS 287.04345.
6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.
(Added to NRS by 1991, 619; A 1999, 1026; 2001, 666; 2003, 1616; 2007, 2088; 2009, 2666; 2011, 907)

NRS 338.070 Investigations of violations by public bodies; withholding of certain sums by public bodies and contractors; maintenance and inspection of records regarding employees; penalty for noncompliance.

1. Any public body awarding a contract shall:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and

(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.

3. Except as otherwise provided in subsection 6, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

(1) The name of the worker;

(2) The occupation of the worker;

(3) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(4) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

5. The records maintained pursuant to subsection 4 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 4 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 4 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work.

6. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 4 for a calendar month by the time specified in subsection 5 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 5.

□ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 5.

7. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

[7:139:1937; 1931 NCL § 6179.57]—(NRS A 1977, 789; 1985, 274; 1987, 1045; 1989, 464; 2001, 1148; 2003, 1863, 2416; 2011, 41)

NRS 338.1379 State and local government public works: Submission of application to qualify as bidder; investigation of applicant; determination; notice; period of qualification; use of criteria; confidentiality of certain financial information concerning applicant; denial or revocation of qualification in certain circumstances.

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 Division or the local government.
2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:
(a) Investigate the applicant to determine whether the applicant 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 Division 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 the right to a hearing pursuant to NRS 338.1381.
4. The Division 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 Division or the local government.
5. Except as otherwise provided in subsection 8, the Division 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. Except as otherwise provided in subsection 8, 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. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.
8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.
(Added to NRS by 1999, 2391; A 2001, 1931; 2003, 2421, 2493; 2005, 1797; 2007, 2089; 2011, 43)

NRS 338.1725 Selection of finalists based on preliminary proposals; minimum number of proposals required; availability to public of certain information.

1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.
2. The public body shall select finalists pursuant to subsection 1 by:
(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;
(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:
(1) The professional qualifications and experience of the members of the design-build team;
(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;
(3) The safety programs established and the safety records accumulated by the members of the design-build team; and
(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work; and
(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.
(Added to NRS by 1999, 3470; A 2001, 2016, 2022; 2003, 119; 2005, 1811; 2011, 3699)

NRS 338.1727 Request for and submission of final proposals; selection or rejection of final proposals; awarding of contract; partial reimbursement of unsuccessful finalists in certain circumstances; contents of contract; availability to public of certain information.

1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:
(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and
(b) Set forth the date by which final proposals must be submitted to the public body.
2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.
3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.
4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.
5. A final proposal is exempt from the requirements of NRS 338.141.
6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.
7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:
(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.
(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.
8. A contract awarded pursuant to this section:
(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.
(b) Must specify:
(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and
(3) A date by which performance of the work required by the contract must be completed.
(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.
(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.
(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.
(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.
9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.
(Added to NRS by 1999, 3471; A 2001, 1272, 2017, 2022; 2003, 33, 119, 2027, 2132, 2442; 2005, 1812; 2011, 51, 3699, 3701)

TITLE 30 - PUBLIC BORROWING AND OBLIGATIONS

NRS 348.420 Records of transferees and pledgees not subject to inspection or copying as public record; maintenance of records of issuer.
1. Records of the transferees and pledgees of public securities and their addresses are not subject to inspection or copying under any law of this state relating to the inspection or copying of public records.
2. Registration records of the issuer may be maintained at such locations within or without the State as the issuer determines.
(Added to NRS by 1983, 609)

CHAPTER 349 - STATE OBLIGATIONS

NRS 349.597 Confidentiality of information concerning obligor.
1. Except as otherwise provided in subsection 2, the Director, the Board and the governing body of the county or city where a project is located shall make available for public inspection, upon request, information furnished by an obligor to obtain the Director's assistance in financing a project pursuant to NRS 349.400 to 349.670, inclusive.
2. Except as ordered by a court of competent jurisdiction or as required by federal law, the Director, the Board and the governing body of the county or city where the project is located shall not, without the prior consent of the obligor, disclose proprietary information or financial statements or records of the obligor or guarantor that are not otherwise available to the public unless the obligor has:
(a) Requested in writing that the information, statements or records be made public; or
(b) Furnished the information, statements or records for a purpose other than obtaining the Director's assistance in financing a project pursuant to NRS 349.400 to 349.670, inclusive.
3. As used in this section:
(a) "Proprietary information" means any trade secret or other information which, if disclosed to members of the general public, may result in a competitive disadvantage to the obligor, including, without limitation:
(1) Documents concerning the marketing or strategic planning of the obligor;
(2) Data, studies and reports concerning the development of new products or services; and
(3) Data that identify the share of the market of the obligor.
(b) "Trade secret" has the meaning ascribed to it in NRS 600A.030.
(Added to NRS by 1999, 3357)

NRS 349.775 Confidentiality of information concerning exporter. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1985, 2016; A 2007, 2090)

TITLE 31 - PUBLIC FINANCIAL ADMINISTRATION

NRS 353.205 Parts of proposed state budget; confidentiality; posting on websites.
1. The proposed budget for the Executive Department of the State Government for each fiscal year must be set up in three parts:
(a) Part I must consist of a budgetary message by the Governor which includes:
(1) A general summary of the long-term performance goals of the Executive Department of the State Government for:
(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services and public safety and health; and
(II) Other governmental services;
(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that ratable progress will be made toward achieving those long-term performance goals;
(3) An outline of any other important features of the financial plan of the Executive Department of the State Government for the next 2 fiscal years; and
(4) A general summary of the proposed budget setting forth the aggregate figures of the proposed budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the proposed budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general summary of the proposed budget must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner determined by the Chief.
(b) Part 2 must embrace the detailed budgetary estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive. The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budgetary issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type, and expenditures must be summarized by program or budgetary account and by category of expense. Part 2 must include:
(1) The identification of each long-term performance goal of the Executive Department of the State Government for:
(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services, and public safety and health; and
(II) Other governmental services,
□ and of each intermediate objective for the next 2 fiscal years toward achieving those goals.
(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that those intermediate objectives will be met and progress will be made toward achieving those long-term performance goals.
(3) A mission statement and measurement indicators for each department, institution and other agency of the Executive Department of the State Government, which articulate the intermediate objectives and long-term performance goals each such department, institution and other agency is tasked with achieving and the particular measurement indicators tracked for each such department, institution and other agency to determine whether the department, institution or other agency is successful in achieving its intermediate objectives and long-term performance goals, provided in sufficient detail to assist the Legislature in performing an analysis of the relative costs and benefits of program budgets and in determining priorities for expenditures. If available, information regarding such measurement indicators must be provided for each of the previous 4 fiscal years. If a new measurement indicator is being added, a rationale for that addition must be provided. If a measurement indicator is being modified, information must be provided regarding both the modified indicator and the indicator as it existed before modification. If a measurement indicator is being deleted, a rationale for that deletion and information regarding the deleted indicator must be provided.

(4) Statements of the bonded indebtedness of the State Government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds.
(5) Any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the Legislature.
(c) Part 3 must include a recommendation to the Legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the Executive Department of the State Government for the next 2 fiscal years, and may include recommendations to the Legislature for the drafting of such other bills as may be required to provide the income necessary to finance the proposed budget and to give legal sanction to the financial plan if adopted by the Legislature.
2. Except as otherwise provided in NRS 353.211, as soon as each part of the proposed budget is prepared, a copy of the part must be transmitted to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination and retention.
3. Except for the information provided to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211, parts 1 and 2 of the proposed budget are confidential until the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, regardless of whether those parts are in the possession of the Executive or Legislative Department of the State Government. Part 3 of the proposed budget is confidential until the bills which result from the proposed budget are introduced in the Legislature. As soon as practicable after the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, the information required to be included in the proposed budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 must be posted on the Internet websites maintained by the Governor, the Department of Administration and the Budget Division of the Department of Administration.
[10:299:1949; 1943 NCL § 6995.10]—(NRS A 1959, 210; 1961, 389; 1963, 491; 1973, 1857; 1977, 347; 1979, 609; 1987, 1323, 1325; 1991, 2443; 1993, 624; 1995, 2812; 1997, 2700, 2705; 2011, 665)

CHAPTER 353A - INTERNAL ACCOUNTING AND ADMINISTRATIVE CONTROL

NRS 353A.085 Preliminary findings and recommendations of audit; written statement of acceptance, explanation or rebuttal from agency; final report; confidentiality.
1. After each audit is completed, the Administrator or the Administrator's designated representative shall submit a copy of the preliminary findings and recommendations of the audit to the head of the audited agency. Within 10 working days after receipt of the preliminary findings and recommendations, the head of the agency shall submit to the Administrator a written statement of acceptance, explanation or rebuttal concerning the findings. The Administrator shall include the statement of the head of the agency in the final report.
2. The Administrator shall submit a final report to the Committee and the head of the audited agency.
3. Except as otherwise provided in NRS 353A.031 to 353A.100, inclusive, the Administrator shall not disclose the content of any audit before the final report is submitted to the Committee pursuant to subsection 2 except in the case of alleged illegal acts which must be reported immediately upon discovery.
(Added to NRS by 1999, 2888)

NRS 353A.100 Administrator to maintain file of copies of reports; confidentiality.
1. The Administrator 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 the Administrator.
2. All working papers from an audit are confidential and may be destroyed by the Administrator 5 years after the report is issued, except that the Administrator:
(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction or when required to do so pursuant to NRS 239.0115;
(b) Shall make such working papers available to the Legislative Auditor upon his or her 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 or her.
(Added to NRS by 1999, 2889; A 2007, 2090)

CHAPTER 353C - COLLECTION OF DEBTS OWED TO STATE AGENCY

NRS 353C.240 Development and operation of system for matching data to collect debts: Duties and liability of State Controller and financial institutions; use of system; confidentiality.

1. The State Controller shall enter into agreements with financial institutions doing business in this State to coordinate the development and operation of a system for matching data, using automated exchanges of data to the maximum extent feasible.
2. In addition to any other remedy provided for in this chapter, the State Controller may use the system for matching data developed and operated pursuant to subsection 1 to collect a debt, plus any applicable penalties and interest.
3. A financial institution in this State shall:
(a) Cooperate with the State Controller in carrying out the provisions of subsection 1.
(b) Use the system to provide to the State Controller for each calendar quarter the name, address of record, social security number or other number assigned for taxpayer identification of each person who maintains an account at the financial institution, as identified by the State Controller by name and social security number or other number assigned for taxpayer identification.
(c) In response to the receipt from the State Controller of notification of debt that a person owes the State, encumber on behalf of the State Controller a portion of the assets of the person held by the financial institution sufficient to cover the debt and surrender those assets to the State Controller. A financial institution is not required to encumber or surrender any assets received by the financial institution on behalf of the person after the financial institution received the notice of the debt from the State Controller.
4. A financial institution may not be held liable in any civil or criminal action for:
(a) Any disclosure of information to the State Controller pursuant to this section.
(b) Encumbering or surrendering any assets held by the financial institution pursuant to this section.
(c) Any other action taken in good faith to comply with the requirements of this section.
5. If a court issues an order to return to a person any assets surrendered by a financial institution pursuant to subsection 3, the State Controller is not liable to the person for any of those assets that have been provided to the State Controller in accordance with the order for the payment of a debt.
6. All information provided to the State Controller by a financial institution pursuant to this section is confidential and may only be used by the State Controller for use in the collection of a debt owed to the State.
7. As used in this section, "financial institution" has the meaning ascribed to it in NRS 239A.030.
(Added to NRS by 2011, 2598)

CHAPTER 360 - GENERAL PROVISIONS

NRS 360.247 Hearing on appeal concerning liability for tax must be open to public; consideration of proprietary or confidential information in closed hearing; abstracts of certain decisions; protection of confidentiality and liability for disclosure of information.
1. Except as otherwise provided in this section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his or her liability for tax must be heard during a session of the Commission which is open to the public. Upon request by the taxpayer, a hearing on such an appeal must be closed to the public to receive proprietary or confidential information.
2. A taxpayer may request a closed hearing pursuant to subsection 1 by submitting the request in writing to the Nevada Tax Commission:
(a) Not later than 14 calendar days before the date of the hearing; or
(b) If authorized by the Executive Director for good cause shown, not later than 5 calendar days before the date of the hearing.
3. Notwithstanding the provisions of NRS 241.020, all information received by the Nevada Tax Commission concerning an appeal taken by a taxpayer pursuant to subsection 1 shall be deemed proprietary and confidential and the Nevada Tax Commission shall not provide a member of the public with any such information until after the date by which the taxpayer may submit a request for a closed hearing pursuant to subsection 2, even if the information is provided to members of the Nevada Tax Commission. Thereafter the information must be provided to a member of the public upon request unless the taxpayer has made a request for a closed hearing.
4. As soon as practicable after closing a hearing pursuant to subsection 1, the Nevada Tax Commission shall determine whether the information to be presented in the closed hearing is proprietary or confidential information. If the Commission, in its discretion, determines that the information is not proprietary or confidential information, the Commission shall immediately open the hearing to the public. If the Commission, in its discretion, determines that the information is proprietary or confidential information:
(a) The hearing must remain closed to the public and the Commission shall receive the information in a manner that ensures that the members of the Commission have a reasonable and adequate opportunity to review the information and make any inquiries that any member believes to be necessary and appropriate.

(b) After the receipt of and opportunity to review the proprietary or confidential information pursuant to paragraph (a), the Commission shall reopen the hearing to the public and proceed to deliberate toward a decision regarding issues in the appeal that are not proprietary or confidential.
(c) After a hearing has been reopened pursuant to paragraph (b), the Commission shall, upon the request of any member of the Commission who believes that he or she cannot conduct meaningful dcliberations with the other members of the Commission on the appeal because the appeal concerns proprietary or confidential information, close the hearing for further deliberations. The definitive vote on the appeal must be taken during a hearing of the Commission that is open to the public.
5. The Nevada Tax Commission shall adopt regulations which establish procedures:
(a) By which a taxpayer may request a closed hearing pursuant to this section.
(b) By which the Commission may determine whether information is proprietary or confidential information during a closed hearing.
6. Not later than 45 days after the Nevada Tax Commission deliberates in a closed hearing and makes a definitive decision on an appeal in a hearing that is open to the public pursuant to this section, the Commission shall prepare an abstract that explains the reasons for the decision, which must be made available to the public upon request. Such an abstract:
(a) Must include, without limitation:
(1) The name of the taxpayer;
(2) The amount of the taxpayer's liability, including interest and penalties;
(3) The type of tax at issue; and
(4) The general nature of the evidence relied upon by the Commission in reaching its decision.
(b) Must not contain any proprietary or confidential information relating to the taxpayer.
7. A member of the Nevada Tax Commission or an officer, agent or employee of the Department is not subject to any criminal penalty or civil liability for the use or publication of proprietary or confidential information received pursuant to the procedure set forth in subsection 4, regardless of whether the information was received during a closed hearing.
8. The Nevada Tax Commission shall take such actions as it deems necessary to protect the confidentiality of information provided by a taxpayer that the Commission has determined to be proprietary or confidential information, including, without limitation:
(a) Issuing such protective orders as it deems necessary;
(b) Restricting access to any hearing closed to the public and to the records and transcripts of any such hearing, without the prior approval of the Commission; and
(c) Prohibiting any intervener allowed to attend such a hearing or allowed access to the records and transcripts of such a hearing from disclosing such information without prior authorization from the Commission.
9. A person who violates a protective order issued by the Nevada Tax Commission pursuant to subsection 8 is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.
10. As used in this section:
(a) "Confidential economic information":
(1) Means any information which is not available to the public generally, which confers an economic benefit on the holder of the information as a result of its unavailability and which is the subject of reasonable efforts by the taxpayer to maintain its secrecy.
(2) Includes, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, such as data relating to costs, prices or customers.
(b) "Proprietary or confidential information":
(1) Means:
(I) Any trade secret, confidential economic information or business information that is submitted to the Nevada Tax Commission by the taxpayer and is determined to be proprietary or confidential information by the Commission; or
(II) Any information that a specific statute declares to be confidential or prohibits the Commission from making public.
(2) Does not include any information that has been published for public distribution or is otherwise available to the public generally or in the public domain.
(Added to NRS by 1983, 316; A 2007, 1124; 2011, 730)

NRS 360.255 Confidentiality of records and files of Department; disclosure of information; requests for information from other governmental entities.

1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected 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 before the Nevada Tax Commission, the State Board of Equalization, the Department or any court of this State 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 or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(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, or disclosure in confidence to any federal agency that requests the information for the use of the agency in a federal prosecution or criminal investigation.

(e) Disclosure in confidence to the Governor or his or her 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 relating to a taxpayer, 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 an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer who must file a return with the Department. The request must set forth the social security number of the taxpayer 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. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged 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.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

3. The Executive Director shall periodically, as he or she 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 the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in

the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.
5. As used in this section:
(a) "Records" or "files" means any records and files related to an investigation or audit, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer.
(b) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.
(Added to NRS by 2011, 728)

NRS 360.755 Partial abatement of certain taxes imposed on new or expanded businesses: Agreement to allow audits of business by Department; disclosure of information in audit report; protection of certain information from disclosure.
1. If the Office of Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Office must provide that the business:
(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and
(b) Consents to the disclosure of the audit reports in the manner set forth in this section.
2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.
3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:
(a) Is confidential proprietary information of the business;
(b) Is not a public record; and
(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.
4. After the business has exhausted all appeals to the DCHAPTER 361 - PROPERTY TAX
epartment and the Nevada Tax Commission relating to the audit:
(a) The audit report provided to the Office of Economic Development is a public record; and
(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.
5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:
(a) Is confidential proprietary information of the business;
(b) Is not a public record;
(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and
(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.
(Added to NRS by 2007, 2859, 2988; A 2011, 3465)

CHAPTER 361 - PROPERTY TAX

NRS 361.044 County assessor: Duty to keep certain proprietary information concerning taxpayer confidential. Except as otherwise provided in NRS 239.0115 and 360.250 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.
(Added to NRS by 1997, 1568; A 2007, 2091)

NRS 361.610 Disposition of amounts received from sale price, rents or redemption of property held in trust; no charge against county for services of officer; claims for and agreements concerning recovery of excess proceeds; authorization of person to file claim and collect property.

1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first $300 of the excess proceeds; and

(b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The persons specified in paragraphs (b), (c), (d), (g) and (h) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds; or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:

(a) Be in writing.

(b) Be signed by the person who would have been entitled to receive reconveyance.

(c) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to the person, a person described in subsection 4 of NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

[53:344:1953]—(NRS A 1979, 771; 2005, 1348; 2007, 2510)

CHAPTER 365 - TAXES ON CERTAIN FUELS FOR MOTOR VEHICLES AND AIRCRAFT

NRS 365.138 Confidentiality of certain records and information. All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by law.
(Added to NRS by 2007, 1570)

CHAPTER 366 - TAX ON SPECIAL FUEL

NRS 366.160 Public and confidential records.
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, special fuel user or special fuel manufacturer, 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, special fuel user or special fuel manufacturer, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by NRS 239.0115 or by any other law.
[25:364:1953]—(NRS A 1987, 1388; 1995, 2372; 1997, 3397; 2003, 2913; 2007, 2092; 2009, 2634)

CHAPTER 368A - TAX ON LIVE ENTERTAINMENT

NRS 368A.180 Confidentiality of records and files of Board and Department.
1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, 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 or her 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 or her 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.
(Added to NRS by 2003, 20th Special Session, 151; A 2007, 2093)

CHAPTER 372A - TAX ON CONTROLLED SUBSTANCES

NRS 372A.080 Information and records concerning dealer confidential; limitations on use and admissibility of information; penalty for disclosure.

1. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1987, 1738; A 2007, 2094)

CHAPTER 378 - STATE LIBRARY AND ARCHIVES

NRS 378.290 Records of Governor's Office: Transfer to Division before Governor leaves office; availability for public inspection.
1. The records of the Governor's Office, which include correspondence sent or received by the Governor or employees of the office in the performance of governmental duties, are the property of the State of Nevada and must be transferred to the Division before the Governor leaves office.
2. The Division shall make the records of a former Governor available for inspection, except:
(a) If that correspondence identifies or can be readily associated with the identity of any person other than a public officer or employee acting in an official capacity and has been in the possession of the Division for less than 10 years, the name and facts which identify that person must be deleted before the correspondence is disclosed, unless the person so named or identified is deceased or gives prior written permission for the disclosure.
(b) Any records that have been declared by law to be confidential are not subject to the provisions of this subsection during the period of confidentiality specified in NRS 378.300.
(c) Any agreement between a former Governor and the Division made before the passage of this act which provides for a period of confidentiality is unaffected by the provisions of this section.
(d) Records of the Governor's Office which are transferred to the Division during the Governor's term of office remain in the custody of the Governor and are not subject to the provisions of this subsection until after he or she leaves office.
(Added to NRS by 1983, 1302; A 1995, 241)

NRS 378.300 Period of confidentiality of confidential public records. Except as otherwise provided in NRS 239.0115, 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 the death of the natural person, whichever is later, unless another period has been fixed by specific statute.
(Added to NRS by 1983, 1302; A 1995, 242; 2007, 2096)

CHAPTER 379 - PUBLIC LIBRARIES

NRS 379.008 Confidentiality of application for certification and related documents; penalty; inspection of file by applicant.
1. Except as otherwise provided in NRS 239.0115, 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 records 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.
(Added to NRS by 1995, 102; A 1997, 3147; 2007, 2096)

CHAPTER 386 - LOCAL ADMINISTRATIVE ORGANIZATION

NRS 386.655 Operation of system; compliance with federal law governing release and confidentiality of records.
1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:
(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and
(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.
2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.
3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district and each sponsor of a charter school shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the sponsor of the charter school such information as is necessary for the sponsor to carry out the provisions of this subsection.
4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which the pupil attains the age of 18 years.
5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).
(Added to NRS by 1997, 1228; A 2001, 3142; 2003, 19th Special Session, 49; 2005, 1176, 2412, 2548)

CHAPTER 387 - FINANCIAL SUPPORT OF SCHOOL SYSTEM

NRS 387.626 Duties of consultant; Department required to provide technical support; availability of books, accounts and records necessary for conducting review; confidentiality.
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 or her 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 the 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 or her 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 NRS 239.0115;
(b) Shall make such working papers available to the Legislative Auditor upon the request of the Auditor; 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 or her.
(Added to NRS by 2005, 2442; A 2007, 2096)

NRS 387.631 Final written report of review; issuance of preliminary report to school district; response by school district; exemption from next review for certain school districts; availability of reports to public.
1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:
(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.
(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a plan for corrective action for the school district to carry out successfully the management principles in each area within 2 years. The plan must:
(1) Be logically connected to and substantiated by the results of the review;
(2) Be specific and detailed; and
(3) Identify methods for the school district to reduce its costs and expenses.
(c) Includes the written response of the school district prepared pursuant to subsection 2.
2. The consultant shall furnish a copy of the preliminary report of the review to the superintendent of schools of the school district or the superintendent's designee and discuss the report with the superintendent or the superintendent's designee. Within 30 days after receipt of the preliminary report, the superintendent or the superintendent's designee shall prepare a written response to the preliminary report that includes a statement of explanation or rebuttal of any findings contained in the preliminary report. The consultant shall include the written response of the school district in his or her final written report submitted pursuant to subsection 1.
3. The final written report of the consultant must be submitted to the board of trustees of the school district, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature within 60 days after the review is complete.
4. If the consultant determines that a school district is successfully carrying out the management principles for each of the areas set forth in subsection 2 of NRS 387.622, the school district is exempt from its next 6-year review unless the Legislature subsequently determines that the conditions or circumstances occurring within the school district warrant another review pursuant to NRS 387.602 to 387.644, inclusive. If a school district is exempt pursuant to this subsection, the exemption is valid for only one review and the school district must undergo a review at least once every 12 years.
5. The preliminary report is confidential until the final report is submitted. After the final written report is submitted, the preliminary report and the final report must be made available to the general public.
(Added to NRS by 2005, 2443; A 2007, 1727)

CHAPTER 388 - SYSTEM OF PUBLIC INSTRUCTION

NRS 388.5275 Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.
1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:
(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to the pupil or to others or causing severe property damage; and
(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.
2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:
(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if the pupil's resistance is minimal in intensity and duration;
(b) Escort or carry the pupil to safety if the pupil is in danger in his or her present location; or
(c) Conduct medical examinations or treatments on the pupil that are necessary.
3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.5315.
4. If a pupil with a disability has three reports of the use of physical restraint in his or her record pursuant subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report to the school district on its findings.
5. If a pupil with a disability has five reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.
(Added to NRS by 1999, 3238; A 2009, 918)

NRS 388.528 Conditions under which mechanical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.
1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:
(a) An emergency exists that necessitates the use of mechanical restraint;
(b) A medical order authorizing the use of mechanical restraint from the pupil's treating physician is included in the pupil's individualized education program before the application of the mechanical restraint;
(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable after the application of the mechanical restraint;
(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;
(e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;
(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;
(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;
(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and
(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or herself.
2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:
(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself or herself because he or she lacks coordination or suffers from frequent loss of consciousness;
(c) Provide proper body alignment to a pupil; or
(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.
3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.5315.
4. If a pupil with a disability has three reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report of its findings to the school district.
5. If a pupil with a disability has five reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.
(Added to NRS by 1999, 3238; A 2009, 919)

NRS 388.5315 Reporting of denial of rights; investigation and resolution of disputes by Department.
1. A denial of rights of a pupil with a disability pursuant to NRS 388.521 to 388.5317, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district or its designee.
2. If the board of trustees of a school district or its designee receives notice of a denial of rights pursuant to subsection 1, the board of trustees or its designee shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.
3. The Department:
(a) Shall receive reports made pursuant to subsection 2;
(b) May investigate apparent violations of the rights of pupils with disabilities; and
(c) May act to resolve disputes relating to apparent violations.
(Added to NRS by 1999, 3241; A 2009, 921)

NRS 388.750 Compliance with Open Meeting Law; availability of records; exemption from certain taxes; nondisclosure of contributors.
1. An educational foundation:
(a) Shall comply with the provisions of chapter 241 of NRS;
(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and
(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 12 of NRS 375.090.
2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.
3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:
(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;
(b) Formed pursuant to the laws of this State; and
(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).
(Added to NRS by 1993, 2305; A 2003, 3491; 2003, 20th Special Session, 204; 2005, 963; 2011, 1356)

NRS 389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

1. The board of trustees of each school district shall administer the high school proficiency examination in all public high schools of the school district. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination in the charter school. The high school proficiency examination 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 high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board, except for a pupil enrolled in grade 10 for whom the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed pursuant to NRS 389.016. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) 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 high school proficiency examination is 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.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high school proficiency examination 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 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 high school proficiency examination 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 of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Except as otherwise provided in subsection 5, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the high school proficiency examination; or

(b) Passes the subject areas of mathematics and reading tested on the high school proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,

□ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

5. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;
(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or
(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.
6. The State Board shall prescribe the high school proficiency examination, which 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 questions contained in the high school proficiency examination 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 high school proficiency examination.
(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 or her duties;
(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;
(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and
(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her 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 NRS 239.0115.
(Added to NRS by 1977, 474; A 1983, 769; 1987, 616; 1993, 456; 1995, 8, 1742, 1743, 1744; 1997, 1773, 1868, 2768; 1999, 476, 481, 1430, 2666, 2670; 2001, 194, 1206, 1487; 2001 Special Session, 173; 2003, 282, 286; 2003, 19th Special Session, 55, 58, 60; 2007, 1077, 2097; 2009, 2616; 2011, 807, 3134)

CHAPTER 391 – PERSONNEL

NRS 391.035 Confidentiality of application; exceptions.
1. Except as otherwise provided in NRS 239.0115, 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) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;
(c) Transcripts of the applicant's records at colleges or other educational institutions;
(d) The applicant's 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 inspection by the applicant during regular business hours.
(Added to NRS by 1983, 769; A 1987, 998; 1995, 1910; 2007, 2099)

CHAPTER 392 – PUPILS

NRS 392.029 Compliance with federal law governing access and confidentiality of education records and elicitation of information concerning pupils; written notice of rights to parents and guardians required.
1. If a parent or legal guardian of a pupil requests the education records of the pupil, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

2. If a parent or legal guardian of a pupil reviews the education records of the pupil and requests an amendment or other change to the education records, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.
3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a public school shall not release the education records of a pupil to a person, agency or organization without the written consent of the parent or legal guardian of the pupil.
4. If a public school administers a program which includes a survey, analysis or evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, it must comply with the provisions of that section.
5. A right accorded to a parent or legal guardian of a pupil pursuant to the provisions of this section devolves upon the pupil on the date on which the pupil attains the age of 18 years.
6. A public school shall, at least annually, provide to each pupil who is at least 18 years of age and to a parent or legal guardian of each pupil who is not at least 18 years of age, written notice of his or her rights pursuant to this section.
7. The provisions of this section:
(a) Are intended to ensure that each public school complies with the provisions of 20 U.S.C. §§ 1232g and 1232h;
(b) Must, to the extent possible, be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted pursuant thereto;
(c) Apply to a public school regardless of whether the school receives money from the Federal Government; and
(d) Do not impair any right, obligation or prohibition established pursuant to chapter 432B of NRS.
8. The State Board may adopt such regulations as are necessary to ensure that public schools comply with the provisions of this section.
9. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).
(Added to NRS by 1997, 2528)

NRS 392.129 Establishment of school attendance councils; membership; duties; annual report.
1. The board of trustees of a school district located:
(a) In a county whose population is 100,000 or more shall establish not less than one school attendance council within the school district.
(b) In a county whose population is less than 100,000 may establish a school attendance council within the school district.
2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.
3. A school attendance council shall:
(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.
(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.
(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.
(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.
(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.
(Added to NRS by 2007, 1816)

NRS 392.147 Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to law enforcement agency under certain circumstances; confidentiality of information.
1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an

advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:
(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.
(b) A pupil who has been referred to the advisory board.
2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149.
3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:
(a) Sets forth the findings of the advisory board;
(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and
(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149.
□ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.
4. The chair of an advisory board to review school attendance shall report a pupil to a school police officer or to the appropriate local law enforcement agency if:
(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;
(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;
(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or
(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.
5. If the chair of an advisory board makes such a report to a school police officer or local law enforcement agency, the chair shall:
(a) Submit to the school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and
(b) Make recommendations to the school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.
6. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.
7. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.
(Added to NRS by 1999, 3453)

NRS 392.264 Offender prohibited from attending school victim attends without court approval; duty of superintendent of school district to negotiate agreement for attendance in another school district; termination of agreement.

1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to attend a public school that a victim is attending unless:
(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or
(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.
2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to attend, the superintendent of the school district shall negotiate an agreement with:
(a) The superintendent of an adjoining school district within this state for the offender to attend a public school in that adjoining school district; or
(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to attend a public school in that adjoining school district.
3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.
4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:
(a) Must not contain the name of a victim;
(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and
(c) Must be approved by the Superintendent of Public Instruction.
5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to attend a public school in the school district in which the offender resides without violating subsection 1.
(Added to NRS by 1997, 427; A 2001, 2070; 2003, 1146)

NRS 392.271 Confidentiality of name of victim; immunity from liability if name released under certain circumstances.
1. A superintendent of a school district who receives notification shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.
2. A person who obtains the name of the offender or the name of a victim pursuant to law or an order of the court shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.
3. A superintendent of a school district or a person who:
(a) Obtains the name of the offender or the name of a victim pursuant to law or an order of the court; and
(b) In good faith, releases or fails to release the name of the offender or the name of a victim,
□ is immune from criminal or civil liability for releasing or failing to release the name of the offender or the name of a victim unless the superintendent or the person acted with gross negligence.
(Added to NRS by 1997, 427)

NRS 392.456 Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use; submission of information to school support team.
1. The Department shall:
(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;
(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and
(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.
2. The form must include, without limitation:
(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;
(b) A checklist indicating whether:
(1) The pupil completes his or her homework assignments in a timely manner;
(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and
(4) The pupil complies with the dress code for the school, if applicable; and
(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.
3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:
(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:
(1) Completes forms and other documents that are required by the school or school district in a timely manner;
(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;
(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and
(4) Attends school activities.
(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:
(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and
(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.
4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.
5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:
(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;
(b) Reprimands the parent or legal guardian; or
(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.
6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.
(Added to NRS by 2007, 2913; A 2009, 2333, 2334)

NRS 392.4575 Educational involvement accords; policy by school districts for development and distribution; annual review; submission of information to school support team.
1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the policy:
(a) For parental involvement required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.
(b) For parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.
2. Each educational involvement accord must include, without limitation:
(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:
(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;
(2) Reviewing and checking the pupil's homework; and
(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.
(b) The responsibilities of a pupil in a public school, including, without limitation:
(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;
(2) Using all school equipment and property appropriately and safely;
(3) Following the directions of any adult member of the staff of the school;
(4) Completing and submitting homework in a timely manner; and
(5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:
(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;
(2) Maximizing the educational and social experience of each pupil;
(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and
(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.
3. Each educational involvement accord must be accompanied by, without limitation:
(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;
(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;
(c) The homework and grading policies of the pupil's teacher or school;
(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;
(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;
(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;
(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;
(h) The classroom rules and policies;
(i) The dress code of the school, if any;
(j) The availability of assistance to parents who have limited proficiency in the English language;
(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;
(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and
(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.
4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:
(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and
(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.
5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.
6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.
7. If a school support team is established in accordance with the regulations of the State Board adopted pursuant to NRS 385.361 for an elementary school, the principal of the school shall provide to the support team information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.
(Added to NRS by 2005, 1659; A 2007, 2914; 2009, 2335, 2337; 2011, 1986)

NRS 392.652 Confidentiality of plans, approved deviations and certain other information. 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 239.0115 and 392.600 to 392.656, inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.
(Added to NRS by 2001, 1328; A 2007, 2100)

NRS 392.850 Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.
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. Except as otherwise provided in NRS 239.0115, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.
(Added to NRS by 1991, 981; A 1997, 1362; 2007, 2100)

CHAPTER 394 - PRIVATE EDUCATIONAL INSTITUTIONS AND ESTABLISHMENTS

NRS 394.167 Confidentiality of name of victim; immunity from liability if name released under certain circumstances.
1. If the executive head of a private school receives notification, the executive head shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.
2. A person who obtains the name of the offender or the name of a victim pursuant to law or an order of the court shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.
3. The executive head of a private school or a person who:
(a) Obtains the name of the offender or the name of a victim pursuant to law or an order of the court; and
(b) In good faith, releases or fails to release the name of the offender or the name of a victim,
□ is immune from criminal or civil liability for releasing or failing to release the name of the offender or the name of a victim unless the executive head of the private school or the person acted with gross negligence.
(Added to NRS by 1997, 429)

NRS 394.1698 Confidentiality of plans, approved deviations and certain other information. 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 239.0115, 392.640 and 394.168 to 394.1699, inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.
(Added to NRS by 2001, 1333; A 2007, 2100)

NRS 394.447 Accreditation as evidence of compliance with minimum standards. 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 the judgment of the Administrator 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. Except as otherwise provided in NRS 239.0115, the Administrator shall keep the materials confidential.
(Added to NRS by 1985, 989; A 1989, 1460; 2007, 2100)

NRS 394.460 License: Application; issuance; provisional license; term; change in ownership or location; addition to facilities; renewal.
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 the Administrator. The application must be accompanied by the required fees. The institution's curriculum and financial statement are confidential except as otherwise provided in NRS 239.0115 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.
(Added to NRS by 1975, 1511; A 1977, 126; 1979, 1631; 1985, 996; 1989, 1462; 2007, 2100)

NRS 394.465 Background investigation of certain applicants for employment with postsecondary educational institution; confidentiality of results; payment of cost by applicant; exception to requirements for certain applicants.
1. Except as otherwise provided in subsection 6, 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 the information set forth in subsection 2.
2. The applicant must submit to the Administrator:
(a) A complete set of fingerprints taken by a law enforcement agency and written permission authorizing the Administrator to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary; or
(b) Written verification, on a form prescribed by the Administrator, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary.
3. The Administrator may:
(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Administrator deems necessary; and
(b) Request from each such agency any information regarding the applicant's background as the Administrator deems necessary.
4. Except as otherwise provided in NRS 239.0115, the Administrator shall keep the results of the investigation confidential.
5. The applicant shall pay the cost of the investigation.
6. An applicant is not required to satisfy the requirements of this section if the applicant:
(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;
(d) Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission who previously underwent an investigation of his or her background and the Administrator determines that an additional investigation is not necessary; or
(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.
7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.
(Added to NRS by 1985, 987; A 1987, 409, 1013, 1441; 1989, 1463; 1997, 3228; 2003, 2850; 2007, 2101; 2011, 1911)

CHAPTER 396 - NEVADA SYSTEM OF HIGHER EDUCATION

NRS 396.3295 Panel of campus review board: Membership; authority to refer complaint and review internal investigation concerning peace officer; Police Department required to provide personnel information; notice and opportunity for hearing on internal investigation; report of findings; proceedings closed to public; findings and recommendations are public records.
1. A campus review board created pursuant to NRS 396.3291 shall meet in panels to carry out its duties.
2. Members must be selected randomly to serve on a panel, and each panel shall select one of its members to serve as chair of the panel.
3. A panel of a campus review board may:
(a) Refer a complaint against a peace officer of the Police Department for the System who has served on the campus to the office of the Police Department for the System on the campus.
(b) Review an internal investigation of such a peace officer and make recommendations regarding any disciplinary action against the peace officer that is recommended by the office of the Police Department for the System on the campus, including, without limitation:
(1) Increasing or decreasing the recommended level of discipline; and
(2) Exonerating the peace officer who has been the subject of the internal investigation.
4. The Police Department for the System shall make available to a panel of a campus review board any information within a personnel file that is specific to a complaint against a peace officer of the Police Department for the System who has served on the campus, or any other material that is specific to the complaint.
5. When reviewing an internal investigation of a peace officer of the system pursuant to subsection 3, a panel of a campus review board shall provide the peace officer with notice and an opportunity to be heard. The peace officer may represent himself or herself at the hearing before the panel or be represented by an attorney or other person of his or her own choosing. The campus review board and the Police Department for the System are not responsible for providing such representation.
6. The chair of a panel of a campus review board shall report the findings and recommendations of the panel regarding disciplinary action to the office of the Police Department for the System on the campus, the president or other chief administrative officer of the campus and, upon request, the Board of Regents.
7. A proceeding of a panel of a campus review board must be closed to the public.
8. The findings and recommendations of a panel of a campus review board are public records unless otherwise declared confidential by state or federal law.
(Added to NRS by 2001, 1464)

NRS 396.405 Meetings; records; exemption from certain taxes; governing body; nondisclosure of contributors.
1. A university foundation:
(a) Shall comply with the provisions of chapter 241 of NRS;
(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;
(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090; and

(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.
2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.
3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:
(a) Organized and operated primarily for the purpose of fundraising in support of a university, state college or a community college;
(b) Formed pursuant to the laws of this State; and
(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).
(Added to NRS by 1993, 2623; A 2003, 3492; 2003, 20th Special Session, 206; 2005, 360, 963; 2009, 2290; 2011, 1356)

NRS 396.525 Genetics program: Confidentiality of records and information; exceptions.
1. Except as otherwise provided in subsection 2 and NRS 239.0115 and 439.538, 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.
(Added to NRS by 1991, 2066; A 2007, 1979, 2102)

NRS 396.535 Form required for informed consent of students concerning release or disclosure of personally identifiable information.
1. The Board of Regents shall prescribe a form that provides for the informed consent of students concerning the directory information that a university, university foundation, state college or community college, as applicable, makes public. The form must:
(a) Allow each student a reasonable opportunity to indicate whether the student opts not to authorize the release or disclosure of personally identifiable information concerning the student for:
(1) Commercial purposes, without the prior written consent of the student;
(2) Noncommercial purposes, without the prior written consent of the student; or
(3) Both commercial and noncommercial purposes, without the prior written consent of the student.
(b) Inform the student that:
(1) If the student does not return the form indicating that his or her personally identifiable information must not be released or disclosed, then it is probable that the information will be released or disclosed.
(2) If the student returns the form indicating that his or her personally identifiable information must not be released or disclosed, then the university, university foundation, state college or community college, as applicable, will not release or disclose the information without the student's prior written consent.
(c) Be included with the other forms required for admission to the university, state college or community college, as applicable.
2. Except as otherwise required by federal law, a university, university foundation, state college or community college shall not release, disclose or otherwise use any personally identifiable information concerning a student without the prior written consent of the student for:
(a) Commercial or noncommercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes without his or her consent;
(b) Commercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes without his or her consent; or
(c) Noncommercial purposes if the student has returned a form indicating that the student does not authorize release or disclosure for those purposes.
3. As used in this section:
(a) "Commercial purposes" means the use of directory information by any person, including, without limitation, a corporation or other business, outside of the System to solicit or provide facilities, goods or services in exchange for the payment of any purchase price, fee, contribution, donation or other valuable consideration.
(b) "Directory information" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(5)(A).

(c) "Personally identifiable information" means information that may be used to identify a person, including, without limitation, the name, address, telephone number, date of birth, and directory information of a person.
(d) "University foundation" has the meaning ascribed to it in NRS 396.405.
(Added to NRS by 2003, 2486)

CHAPTER 398 - INTERCOLLEGIATE ATHLETICS

NRS 398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.
1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, 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.
(Added to NRS by 2003, 2124; A 2007, 2102)

CHAPTER 408 - HIGHWAYS, ROADS AND TRANSPORTATION FACILITIES

NRS 408.3885 Procedure for selecting finalists from among design-build teams that submitted preliminary proposals.
1. The Department shall select at least three but not more than five finalists from among the design-build teams that submitted preliminary proposals. If the Department does not receive at least three preliminary proposals from design-build teams that the Department determines to be qualified pursuant to this section and NRS 408.3884, the Department may not contract with a design-build team for the design and construction of the project.
2. The Department shall select finalists pursuant to subsection 1 by:
(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 408.3884;
(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:
(1) The professional qualifications and experience of the members of the design-build team;
(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;
(3) The safety programs established and the safety records accumulated by the members of the design-build team;
(4) The proposed plan of the design-build team to manage the design and construction of the project that sets forth in detail the ability of the design-build team to design and construct the project; and
(5) The degree to which the preliminary proposal is responsive to the requirements of the Department for the submittal of a preliminary proposal; and
(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those

provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the Department shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.

(Added to NRS by 1999, 3485; A 2001, 2020, 2022; 2003, 119; 2011, 3705)

NRS 408.3886 Requests for final proposals and best and final offers: Selection or rejection of proposal or offer; contents of contract between Department and design-build team; duties of design-build team.

1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:
(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and
(b) Must specify:
(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;
(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and
(3) A date by which performance of the work required by the contract must be completed.
8. A design-build team to whom a contract is awarded pursuant to this section shall:
(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and
(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.
(Added to NRS by 1999, 3485; A 2001, 252, 2020, 2022; 2003, 119, 2032, 2523; 2011, 54, 3706)

CHAPTER 412 - STATE MILITIA

NRS 412.153 Personal information: Confidentiality.
1. Except as otherwise provided in this subsection and NRS 239B.030 and 247.090, a county recorder shall ensure that any personal information of a member of the Nevada National Guard contained in any document which is related to the member's military service and is recorded, filed or otherwise submitted to the county recorder by or on behalf of the member is maintained in a confidential manner. The county recorder may disclose the personal information to any person designated in writing by the member or, upon the member's death, by a person authorized by subsection 2 of NRS 247.090 to inspect and copy the document containing the personal information.
2. As used in this section, "personal information" has the meaning ascribed to it in NRS 603A.040.
(Added to NRS by 2011, 691)

CHAPTER 416 - EMERGENCIES CONCERNING WATER OR ENERGY

NRS 416.070 Confidentiality of information furnished at request of Governor; protective order; penalty for disclosure.
1. Except as otherwise provided in NRS 239.0115, 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 or she 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 or she 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.
(Added to NRS by 1977, 550; A 2007, 2102)

CHAPTER 422 - HEALTH CARE FINANCING AND POLICY

NRS 422.305 Confidentiality of information obtained in investigation of provider of services under State Plan for Medicaid.

1. Except as otherwise provided in subsection 2 and NRS 228.410, 239.0115 and 422.2374, 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,

Ê is not confidential, except for the identity of any recipient of the assistance.

(Added to NRS by 1987, 1670; A 1991, 1053; 1997, 1243, 2628; 1999, 2242; 2005, 22nd Special Session, 32; 2007, 2103)

CHAPTER 422A - WELFARE AND SUPPORTIVE SERVICES

NRS 422A.350 Identification and referral of victims of domestic violence; restricted disclosure of determination.

1. The Division shall:

(a) Periodically evaluate recipients of public assistance pursuant to this chapter to identify recipients who are victims of domestic violence.

(b) Refer a recipient who it determines is a victim of domestic violence to appropriate counseling or other supportive services available in the community in which the recipient resides.

2. Except as otherwise provided in this subsection, the Division shall not disclose to any person other than the victim that a determination of domestic violence has been made pursuant to this section. The Division may disclose the information to the Secretary of Health and Human Services or his or her designee for the purposes of including that information in the Federal Parent Locator Service established pursuant to 42 U.S.C. § 653.

(Added to NRS by 2005, 22nd Special Session, 13)

CHAPTER 427A - SERVICES TO AGING PERSONS AND PERSONS WITH DISABILITIES

NRS 427A.1236 Confidentiality of records. All records in the possession of the Specialist for the Rights of Elderly Persons relating to his or her 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 NRS 239.0115.

(Added to NRS by 1989, 1485; A 2007, 2106)

NRS 427A.872 Division to adopt regulations prescribing statewide standard for measuring outcomes and assessing and evaluating certain young persons with autism spectrum disorders; reports to Division.

1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to NRS 388.483, 442.760 and 615.205. Except as otherwise provided in NRS 388.483, the Division shall ensure that the information is reported in a manner which:
(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and
(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.
4. The Division shall prepare annually a summary of the reports submitted pursuant to NRS 388.483, 442.760 and 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.
(Added to NRS by 2011, 2703, 2713)

CHAPTER 432 - PUBLIC SERVICES FOR CHILDREN

NRS 432.205 Duties of law enforcement agency, Clearinghouse, governmental agency and superintendent of schools upon receiving report of missing child.
1. A law enforcement agency, upon receiving and verifying a report of a missing child, other than a child who has run away, shall immediately transmit the full contents of the report by the fastest means available to the Clearinghouse.
2. The Clearinghouse shall, upon receipt of the report, immediately notify any governmental agency in possession of the birth certificate of the child and the superintendent of schools of the school district in possession of the educational records of the child that the child is missing.
3. Upon receiving such notification, the agency or superintendent shall:
(a) Maintain the birth certificate or educational records in such a manner as to ensure that the Clearinghouse is notified immediately if a request is made for the birth certificate or educational records.
(b) Immediately notify the Clearinghouse upon receiving any such request before releasing the birth certificate or educational records, including notification of the identity and location or address of the person making the request.
(c) Not disclose to the person making the request any communication with the Clearinghouse or the fact that a communication must be made.
(Added to NRS by 1991, 1419; A 1993, 1376)

CHAPTER 432B - PROTECTION OF CHILDREN FROM ABUSE AND NEGLECT

NRS 432B.175 Availability of data or information regarding fatality or near fatality of child who is subject of report of abuse or neglect; limitation on disclosure; regulations.
1. Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of abuse or neglect suffered a fatality or near fatality. Any such data and information which is known must be made available not later than 48 hours after a fatality and not later than 5 business days after a near fatality. Except as otherwise provided in subsection 2, the data or information which must be disclosed includes, without limitation:
(a) A summary of the report of abuse or neglect and a factual description of the contents of the report;
(b) The date of birth and gender of the child;
(c) The date that the child suffered the fatality or near fatality;
(d) The cause of the fatality or near fatality, if such information has been determined;
(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:
(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;
(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;
(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and
(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and
(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:
(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;
(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and
(3) Has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.
2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:
(a) Except as otherwise provided in subsection 3 of NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;
(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;
(c) A privileged communication between an attorney and client; and
(d) Information that may undermine a criminal investigation or pending criminal prosecution.
3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.
4. As used in this section, "near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.
(Added to NRS by 2007, 194)

NRS 432B.280 Confidentiality of reports and of records concerning reports and investigations; exceptions; penalty.
1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and except as otherwise authorized or required pursuant to NRS 432B.290, 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 pursuant to NRS 432B.165 and 432B.175;
(c) As otherwise authorized or required pursuant to NRS 432B.290;
(d) As otherwise authorized or required pursuant to NRS 439.538; or
(e) As otherwise required pursuant to NRS 432B.513,
Ê is guilty of a misdemeanor.
(Added to NRS by 1985, 1373; A 1999, 2032; 2001, 1701; 2007, 195, 1507, 1980, 2106)

NRS 432B.290 Authorized release of data or information concerning reports and investigations; penalty; regulations.
1. Except as otherwise provided in subsections 2 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:
(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;
(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;
(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:
(1) The child; or
(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;
(e) Except as otherwise provided in paragraph (f), a court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;
(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;
(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;
(h) The attorney and the guardian ad litem of the child;
(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;
(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;
(k) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;
(l) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;
(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;
(n) A team organized pursuant to NRS 432B.350 for the protection of a child;
(o) A team organized pursuant to NRS 432B.405 to review the death of a child;
(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;
(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:
(1) The child is 14 years of age or older; and
(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;
(r) The persons who are the subject of a report;
(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;
(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:
(1) The identity of the person making the report is kept confidential; and
(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;
(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;
(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;
(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;
(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;
(y) An employer in accordance with subsection 3 of NRS 432.100; or
(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence.

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:
(a) A copy of:
(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or
(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or
(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.
3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.
4. Any person, except for:
(a) The subject of a report;
(b) A district attorney or other law enforcement officer initiating legal proceedings; or
(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,
Ê who is given access, pursuant to subsection 1, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.
5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.
(Added to NRS by 1985, 1374; A 1993, 2706; 1997, 835, 849, 2473, 2476; 1999, 559, 561, 1193, 2033, 2035, 2043, 3529, 3531; 2001, 269, 1701, 1841, 2612; 2001 Special Session, 40; 2003, 236, 251; 2005, 2035; 2007, 195; 2011, 737, 861)

NRS 432B.407 Information available to child death review teams; sharing of certain information; subpoena to obtain information; confidentiality of information.
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, if appropriate, meet and share information with a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495.
4. 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. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.
5. Except as otherwise provided in this section, 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.
(Added to NRS by 2003, 863; A 2007, 2106; 2011, 739)

NRS 432B.430 Restriction on admission of persons to proceedings.
1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:
(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when

the court proceeds immediately, must be open to the general public unless the judge or master, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master must consider and give due weight to the desires of that child.

(b) If the judge or master determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or master must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or master, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master must consider and give due weight to the desires of that child. If the judge or master determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination. Unless the judge or master determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, must be closed to the general public unless the judge or master, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master shall consider and give due weight to the desires of that child.

(b) If the judge or master determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination.

(c) Unless the judge or master determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, a judge or master shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.

(Added to NRS by 1985, 1379; A 1997, 1345; 2003, 591, 3517; 2011, 1254, 2675)

NRS 432B.560 Additional orders by court: Treatment; conduct; visitation; support.

1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the

obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:
(a) Require that payments be made to the appropriate agency or office;
(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and
(c) Provide for the immediate withholding of income for the payment of support unless:
(1) All parties enter into an alternative written agreement; or
(2) One party demonstrates and the court finds good cause to postpone the withholding.
3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:
(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.
(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.
(Added to NRS by 1985, 1383; A 1987, 1196; 1991, 1339; 1993, 543; 1997, 2267; 1999, 2685; 2001, 1262)

CHAPTER 433 - GENERAL PROVISIONS

NRS 433.534 Denial of rights prohibited; exceptions; report; investigation and action by Commission; closure of meeting in certain circumstances.
1. The rights of a consumer enumerated in this chapter must not be denied except to protect the consumer'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 consumer'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, the officer shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. Except as otherwise provided in NRS 239.0115, 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 consumers 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 consumer; or
(b) The care and treatment of a consumer.
Ê The provisions of this subsection do not require a meeting of the Commission to be closed to the public.
(Added to NRS by 1975, 1598; A 1979, 812; 1985, 2268; 1989, 1757; 1993, 2112, 2719; 1995, 676, 1735; 2007, 2106; 2011, 417)

CHAPTER 433A - ADMISSION TO MENTAL HEALTH FACILITIES; HOSPITALIZATION

NRS 433A.360 Clinical records: Contents; confidentiality.
1. A clinical record for each consumer must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:
(a) If the release is authorized or required pursuant to NRS 439.538.
(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.
(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.
(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the

Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.
(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.
(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.
(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:
(I) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or
(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:
(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and
(II) Does not have a guardian or other legal representative or is a ward of the State.
(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.
2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, or from treatment to competency in a private institution or facility offering mental health services.
(Added to NRS by 1975, 1611; A 1987, 746, 1197; 1989, 2056; 1991, 2351; 1993, 2722; 2003, 1945; 2007, 1981; 2011, 428)

CHAPTER 439 - ADMINISTRATION OF PUBLIC HEALTH

NRS 439.270 Persons diagnosed with epilepsy: State Board of Health to define "epilepsy" for purposes of section; reports required to be submitted to Health Division and to Department of Motor Vehicles; confidentiality of reports; criminal penalty.
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. Except as otherwise provided in NRS 239.0115, 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.
[1:269:1953] + [2:269:1953] + [3:269:1953] + [4:269:1953] + [5:269:1953]—(NRS A 1957, 630; 1963, 941; 1985, 1990; 2001, 2615; 2007, 2107)

NRS 439.840 Reports of sentinel events: Duties of Health Division; confidentiality.
1. The Health Division shall:
(a) Collect and maintain reports received pursuant to NRS 439.835 and 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841;
(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;
(c) Annually prepare a report of sentinel events reported pursuant to NRS 439.835 by a medical facility, including, without limitation, the type of event, the number of events, the rate of occurrence of events, and the medical facility which reported the event, and provide the report for inclusion on the Internet website maintained pursuant to NRS 439A.270; and
(d) Annually prepare a summary of the reports received pursuant to NRS 439.835 and provide a summary for inclusion on the Internet website maintained pursuant to NRS 439A.270. The Health Division shall maintain the confidentiality of the patient, the provider of health care or other member of the staff of the medical facility identified in the reports submitted pursuant to NRS 439.835 when preparing the annual summary pursuant to this paragraph.

2. Except as otherwise provided in this section and NRS 239.0115, reports received pursuant to NRS 439.835 and subsection 1 of NRS 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
3. The report prepared pursuant to paragraph (c) of subsection 1 must provide to the public information concerning each medical facility which provided medical services and care in the immediately preceding calendar year and must:
(a) Be presented in a manner that allows a person to view and compare the information for the medical facilities;
(b) Be readily accessible and understandable by a member of the general public;
(c) Use standard statistical methodology, including without limitation, risk-adjusted methodology when applicable, and include the description of the methodology and data limitations contained in the report;
(d) Not identify a patient, provider of health care or other member of the staff of the medical facility; and
(e) Not be reported for a medical facility if reporting the data would risk identifying a patient.
(Added to NRS by 2002 Special Session, 14; A 2007, 2107; 2009, 553, 3068; 2011, 836, 1799)

CHAPTER 439B - RESTRAINING COSTS OF HEALTH CARE

NRS 439B.420 Prohibited acts of hospitals and related entities; exceptions; submission of contracts to Director; civil penalty.
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 or her 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 55,000.
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 NRS 239.0115 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.

(Added to NRS by 1987, 870; A 1989, 1925; 1993, 2595; 2001, 1988; 2007, 2107; 2011, 1257)

CHAPTER 441A - INFECTIOUS DISEASES; TOXIC AGENTS

NRS 441A.220 Confidentiality of information; permissible disclosure. 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:
1. As otherwise provided in NRS 439.538.
2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.
3. In a prosecution for a violation of this chapter.
4. In a proceeding for an injunction brought pursuant to this chapter.
5. In reporting the actual or suspected abuse or neglect of a child or elderly person.
6. To any person who has a medical need to know the information for his or her 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.
7. If the person who is the subject of the information consents in writing to the disclosure.
8. Pursuant to subsection 4 of NRS 441A.320 or NRS 629.069.
9. 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.
10. 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.
11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.
(Added to NRS by 1989, 299; A 1989, 1476; 1997, 1254; 1999, 1123, 2238, 2245; 2005, 329; 2007, 1277, 1977, 2109)

NRS 441A.230 Disclosure of personal information prohibited without consent. Except as otherwise provided in this chapter and NRS 439.538, a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter without the consent of the person.
(Added to NRS by 1989, 300; A 2007, 1978)

CHAPTER 442 - MATERNAL AND CHILD HEALTH; ABORTION

NRS 442.330 Access to and use of information obtained by system: Restrictions; exceptions; regulations.
1. Except as otherwise provided in NRS 439.538, information obtained by the system from any source may be used only:
(a) To investigate the causes of birth defects and other adverse birth outcomes;
(b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;
(c) To assist in the early detection of birth defects; and
(d) To assist in ensuring the delivery of services for children identified with birth defects.
2. The State Board of Health shall adopt regulations to ensure that, except as otherwise provided in subsection 3 and NRS 439.538:
(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or a representative of the Officer who are employed by the Health Division or the University of Nevada School of Medicine.
(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.
(c) Information obtained by the system is used solely for the purposes set forth in subsection 1.
3. This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.
(Added to NRS by 1999, 3510; A 2007, 1978)

NRS 442.395 Confidentiality of reports and associated documentation relating to certain referrals to Health Division. Except as otherwise provided in NRS 239.0115 and 439.538, 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.
(Added to NRS by 1999, 1060; A 2007, 1978, 2109)

CHAPTER 445A - WATER CONTROLS

NRS 445A.665 Public access to information; disclosure of confidential information.
1. Any records, reports or information obtained under NRS 445A.300 to 445A.730, inclusive, must be available to the public for inspection and copying unless the Director considers the record, report or information or part thereof as confidential on a satisfactory showing that the information contained therein, other than information describing a discharge into the waters of the State or injection of contaminants through a well, is entitled to protection as a trade secret of the informant.
2. Any record, report or information treated as confidential may be disclosed or transmitted to other officers, employees or authorized representatives of this State or the United States who:
(a) Carry out the provisions of NRS 445A.300 to 445A.730, inclusive; or
(b) Consider the information relevant in any proceeding under NRS 445A.300 to 445A.730, inclusive, and the information is admissible under the rules of evidence.
(Added to NRS by 1973, 1716; A 1985, 769)

CHAPTER 445B - AIR POLLUTION

NRS 445B.570 Confidentiality and use of information obtained by Department; penalty.
1. Any information which the Department obtains in the course of the performance of its duties pursuant to the provisions of this chapter is public information unless otherwise designated as confidential information pursuant to the provisions of this section.
2. The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by regulation of the Commission cannot be certified as being confidential.
3. Any confidential information received by the Commission, the Director or any local control authority which is certified in writing to the recipient as confidential by the owner or operator disclosing the information and verified and approved in writing as confidential by the recipient must, unless the owner expressly agrees to its publication or availability to the public, be used only:
(a) In the administration or formulation of air pollution controls;
(b) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information; or
(c) In complying with federal statutes, rules and regulations.
4. This section does not prohibit the use of confidential information in a prosecution for the violation of any statute, ordinance or regulation for the control of air pollution.
5. A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and is liable in tort for any damages which may result from such disclosure or use.
6. As used in this section, "confidential information" means information or records which:
(a) Relate to dollar amounts of production or sales;
(b) Relate to processes or production unique to the owner or operator; or
(c) If disclosed, would tend to affect adversely the competitive position of the owner or operator.
(Added to NRS by 1971, 1201; A 1973, 1821; 1975, 1405; 1993, 2855)—(Substituted in revision for NRS 445.576)

CHAPTER 449 - MEDICAL AND OTHER RELATED FACILITIES

NRS 449.209 Prohibition against medical facility or employee of medical facility making certain referrals to residential facilities for groups; civil penalties; system to track violations.
1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:
(a) Refer a person to a residential facility for groups that is not licensed by the Health Division; or

(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.
2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 or more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.
3. The Board shall:
(a) Establish and maintain a system to track violations of this section and NRS 449.0305. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:
(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.
(2) Information which may not be disclosed under federal law.
(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.
4. As used in this section, "licensed medical facility" means:
(a) A medical facility that is required to be licensed pursuant to this section and NRS 449.030 to 449.240, inclusive.
(b) A facility for the dependent that is required to be licensed pursuant to this section and NRS 449.030 to 449.240, inclusive.
(c) A facility that provides medical care or treatment and is required by regulation of the Board to be licensed pursuant to NRS 449.0303.
(Added to NRS by 2011, 704)

NRS 449.245 Release of child from hospital; provision of authorization for release and other information to Division of Child and Family Services; disclosure of information; penalty.
1. No hospital licensed under the provisions of NRS 449.030 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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1957, 251; A 1961, 739; 1963, 962; 1967, 1172; 1973, 1286, 1406; 1981, 721; 1993, 2724; 2007, 2109)

NRS 449.720 Specific rights: Care; refusal of treatment and experimentation; privacy; notice of appointments and need for care; confidentiality of information concerning patient.
1. Every patient of a medical facility or facility for the dependent has the right to:
(a) Receive considerate and respectful care.
(b) Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

(c) Refuse to participate in any medical experiments conducted at the facility.
(d) Retain his or her privacy concerning the patient's program of medical care.
(e) Have any reasonable request for services reasonably satisfied by the facility considering its ability to do so.
(f) Receive continuous care from the facility. The patient must be informed:
(1) Of the patient's appointments for treatment and the names of the persons available at the facility for those treatments; and
(2) By his or her physician or an authorized representative of the physician, of the patient's need for continuing care.
2. Except as otherwise provided in NRS 108.640, 239.0115, 439.538, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with the patient's care during any examination, consultation or treatment.
(Added to NRS by 1983, 821; A 1985, 1748; 1989, 2057; 1991, 2350; 1999, 1052, 3512; 2007, 1979, 2110; 2011, 362)

CHAPTER 453 - CONTROLLED SUBSTANCES

NRS 453.1545 Board and Division required to develop computerized program to track prescriptions for controlled substances and course of training for persons who access program; Board required to provide certain practitioners Internet access to database of program; reporting of illegal activity; agreements with state agency to receive or exchange information obtained by program; confidentiality of information obtained from program; immunity from liability for practitioner who transmits certain required information and reports; gifts, grants and donations.
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.
(d) Include the contact information of each person who elects to access the database of the program pursuant to subsection 2, including, without limitation:
(1) The name of the person;
(2) The physical address of the person;
(3) The telephone number of the person; and
(4) If the person maintains an electronic mail address, the electronic mail address of the person.
2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:
(a) Elects to access the database of the program; and
(b) Completes the course of instruction described in subsection 7.
3. 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.
4. 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.
5. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such

state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.
6. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 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 behalf of that person by his or her attorney; or
(b) Upon the lawful order of a court of competent jurisdiction.
7. The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.
8. A practitioner who is authorized to write prescriptions for each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.
9. 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.
(Added to NRS by 1995, 1433; A 1999, 245, 1872, 1890; 2001, 417; 2003, 2294; 2007, 735, 2110; 2009, 1303; 2011, 458)

NRS 453.720 Confidential and privileged information. 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 NRS 239.0115, 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.
(Added to NRS by 1971, 652; A 1979, 1671; 2007, 2111)

CHAPTER 453A - MEDICAL USE OF MARIJUANA

NRS 453A.610 Program for evaluation and research of medical use of marijuana: Duties of University of Nevada School of Medicine concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
□ Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2001, 3064; A 2007, 2111)

NRS 453A.700 Duties of Division concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.
1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose:
(a) The contents of any applications, records or other written documentation that the Division 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 Division or its designee has issued a registry identification card.
Ê Except as otherwise provided in NRS 239.0115, 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 Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card to:
(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; 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 or her pursuant to NRS 453A.220 or 453A.250.
(Added to NRS by 2001, 3063; A 2007, 2112; 2009, 626)

CHAPTER 458 - ABUSE OF ALCOHOL AND DRUGS

NRS 458.055 Confidential information.
1. To preserve the confidentiality of any information concerning persons applying for or receiving any services pursuant to NRS 458.010 to 458.350, inclusive, the Division may establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the Division.
2. Wherever information concerning persons applying for and receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is furnished to or held by any other government agency or a public or private institution, the use of that information by the agency or institution is subject to the rules established by the Division pursuant to subsection 1.
3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to 458.350, inclusive, a person shall not disclose, use or authorize the disclosure of any confidential information concerning a person receiving services pursuant to NRS 458.010 to 458.350, inclusive.
(Added to NRS by 1973, 1398; A 1991, 2350; 1997, 3077; 1999, 3069, 3514; 2001, 421; 2003, 1455; 2005, 22nd Special Session, 60)

NRS 458.280 Records of facility for treatment confidential; exceptions.
1. Except as otherwise provided in subsection 2, NRS 439.538, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, the registration and other records of a treatment facility are confidential and must not be disclosed to any person not connected with the treatment facility without the consent of the patient.
2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is:
(a) Not published in a way that discloses the patient's name or other identifying information; or
(b) Disclosed pursuant to NRS 439.538.
(Added to NRS by 1975, 1144; A 1989, 2057; 1991, 2351; 1999, 3515; 2007, 1979)

CHAPTER 459 - HAZARDOUS MATERIALS

NRS 459.050 Inspections; confidentiality of report of inspection.
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 NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.
(Added to NRS by 1963, 579; A 1975, 1330; 2007, 2112)

NRS 459.3866 Receipt of records and documents; subpoena; informal inquiries; confidentiality of trade secret or information; inspection of facility; Attorney General is counsel for committee; authorization to make recommendations to reviewing authority.

1. After giving reasonable notice to the facility it oversees and after making arrangements to ensure that the normal operations of the facility will not be disrupted, a committee is entitled to receive from the facility such records and documents as the committee demonstrates are required to carry out its duties. The committee is entitled to receive only those records and documents which cannot be obtained from the Division.
2. A committee is entitled to receive from any governmental entity or agency records, documents and other materials relevant to the committee's review and evaluation of the facility to carry out its duties.
3. In carrying out its duties, a committee and the Attorney General may, by subpoena, require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary. Before obtaining such a subpoena, the committee or the Attorney General shall request the attendance of the witness or the production of the reports, papers, documents or other evidence. If the person to whom the request is made fails or refuses to attend or produce the reports, documents or other evidence, the committee and the Attorney General may obtain the subpoena requiring the person to do so.
4. In carrying out its duties, a committee may make informal inquiry of persons or entities with knowledge relevant to the committee's review and evaluation of the facility it oversees. Any committee which makes such informal inquiries shall advise the facility of those inquiries and of the results of the inquiries.
5. If the owner or operator of a facility claims that the disclosure of information to a committee will reveal a trade secret or confidential information, the owner or operator must specifically identify such information as confidential. When such an identification has been made, the committee shall protect the confidentiality of the trade secret or information if the trade secret or information would be entitled to protection pursuant to NRS 459.3822.
6. A committee or its authorized representative may, to carry out its duties, enter and inspect the facility overseen, its records and other relevant materials. Before such an inspection is made, the committee shall provide reasonable notice to the facility. The inspection must be conducted in such a manner as to ensure that the operations of the facility will not be disrupted.
7. The Attorney General is counsel and attorney to each committee for the purposes of carrying out its duties and powers.
8. The members of a committee may make public comment with regard to their review and evaluation of the facility it oversees. At least 24 hours before making any formal comment, the committee shall advise the facility of its intention to do so and provide the facility with a summary of the comments that will be made.
9. A committee may review and make recommendations to the reviewing authority as to any applications for permits to construct, substantially alter or operate submitted by a facility which has been the subject of the committee's review and evaluation.
(Added to NRS by 1991, 2007; A 2003, 1607)

NRS 459.555 Disclosure of public and confidential information.
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. Except as otherwise provided in NRS 239.0115, 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 or she 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.
(Added to NRS by 1981, 885; A 1983, 1121; 1985, 904; 1991, 908; 2007, 2113)

NRS 459.7056 Uniform application: Confidentiality and disclosure of information provided.
1. Except as otherwise provided in subsection 2 or NRS 239.0115 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.
(Added to NRS by 1999, 3345; A 2007, 2113)

NRS 459.846 Disclosure of information obtained by Department.
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. Except as otherwise provided in NRS 239.0115, 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 or she 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.
Ê The disclosure must be made in a manner which preserves the status of the information as a trade secret.
(Added to NRS by 1989, 773; A 2007, 2113)

CHAPTER 463 - LICENSING AND CONTROL OF GAMING

NRS 463.120 Records of Board and Commission; confidential treatment of certain information; report to Legislature by Board; access by Board and Commission to certain records of Nevada Tax Commission.
1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.
2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.
3. The Board and the Commission may maintain such other files and records as they may deem desirable.
4. Except as otherwise provided in this section, all information and data:
(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;
(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;
(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;
(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; or

(e) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

Ê are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

7. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

8. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

9. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

10. The Nevada Gaming Commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of tax, penalty and interest, or any of them, owed by the debtor, if after 5 years it remains impossible or impracticable to collect such amounts. The Commission shall establish a master file containing the information removed from its official records by this section.

[12:429:1955]—(NRS A 1959, 433; 1971, 672; 1979, 773; 1981, 1075; 1985, 1553, 1862; 1993, 309, 2118, 2128; 1995, 201, 1497, 1503; 1997, 3314; 1999, 950; 2009, 276)

NRS 463.15993 Regulations governing approval and operation of inter-casino linked systems.

1. The Commission shall adopt regulations governing the approval and operation of inter-casino linked systems and the licensing of the operators of such systems.

2. The Commission shall include in the regulations, without limitation:

(a) Standards for the approval and operation of an inter-casino linked system.

(b) Requirements for the:

(1) Operator of an inter-casino linked system to disclose to the Board, the Commission and licensees on a confidential basis the rate of progression of the primary jackpot meter; and

(2) Establishment of a minimum rate of progression of the primary jackpot meter.

(c) Criteria for multiple licensing of inter-casino linked systems and the operators of inter-casino linked systems.

(d) Procedures and criteria for the regular auditing of the regulatory compliance of an operator of an inter-casino linked system.

(Added to NRS by 1995, 756; A 1999, 951)

NRS 463.240 State license prerequisite to county or municipal license; confidentiality of certain information provided to county or municipality.

1. No county, city or town may grant a gaming license to any applicant unless the applicant holds a valid state gaming license issued by the Commission, but the issuance by the Commission of the state gaming license imposes no requirements upon any such county, city or town to issue a gaming license to the applicant.

2. Any information that is supplied to a county, city or town by an applicant or a licensee shall be deemed to be confidential if the information is confidential pursuant to NRS 463.120.
[24:429:1955]—(NRS A 1983, 141; 1997, 3315)

NRS 463.3403 Confidentiality of information relating to termination of employment of gaming employee or independent agent. Any information obtained by the Board from any licensee, his or her employer or agent relating to the termination of the employment of a gaming employee or the services of an independent agent is confidential and must not be disclosed except:
1. Such information obtained from the former employer of an applicant for registration as a gaming employee must be disclosed to the applicant to the extent necessary to permit the applicant to respond to any suspension or objection made by the Board to his or her application for such registration;
2. In the necessary administration of this chapter; or
3. Upon the lawful order of a court of competent jurisdiction.
(Added to NRS by 1981, 1072; A 1991, 1844; 2003, 20th Special Session, 12)

NRS 463.3407 Absolute privilege of certain communications and documents; restrictions on and protections against disclosure.
1. Any communication or document of an applicant or licensee, or an affiliate of either, which is made or transmitted to the Board or Commission or any of their agents or employees to:
(a) Comply with any law or the regulations of the Board or Commission;
(b) Comply with a subpoena issued by the Board or Commission; or
(c) Assist the Board or Commission in the performance of their respective duties,
Ê is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.
2. If such a document or communication contains any information which is privileged pursuant to chapter 49 of NRS, that privilege is not waived or lost because the document or communication is disclosed to the Board or Commission or any of its agents or employees.
3. Notwithstanding the provisions of subsection 4 of NRS 463.120:
(a) The Board, Commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant or licensee, or an affiliate of either, which are privileged pursuant to chapter 49 of NRS, without the prior written consent of the applicant, licensee or affiliate, or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant, licensee or affiliate.
(b) The Board and Commission shall maintain all privileged information, documents and communications in a secure place accessible only to members of the Board and Commission and their authorized agents and employees.
(c) The Board and Commission shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant or licensee, or an affiliate of either.
(Added to NRS by 1981, 1072; A 1987, 1274; 1993, 184; 1995, 1498)

NRS 463.790 Resort hotel required to maintain plan; contents; confidentiality.
1. Each resort hotel shall adopt and maintain an emergency response plan. Each new or revised plan must be filed within 3 days after adoption or revision with each local fire department and local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located and with the Division of Emergency Management of the Department of Public Safety.
2. The emergency response plan required by subsection 1 must include:
(a) A drawing or map of the layout of all areas within the building or buildings and grounds that constitute a part of the resort hotel and its support systems and a brief description of the purpose or use for each area;
(b) A drawing or description of the internal and external access routes;
(c) The location and inventory of emergency response equipment and resources;
(d) The location of any unusually hazardous substances;
(e) The name and telephone number of the emergency response coordinator for the resort hotel;
(f) The location of one or more site emergency response command posts;
(g) A description of any special equipment needed to respond to an emergency at the resort hotel;
(h) An evacuation plan;
(i) A description of any public health or safety hazards present on the site; and
(j) Any other information requested by a local fire department or local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located or by the Division of Emergency Management.

3. A plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the department, agency and Division with whom it is filed. An officer, employee or other person to whom the plan is entrusted by the department, agency or Division shall not disclose the contents of such a plan except:
(a) Upon the lawful order of a court of competent jurisdiction; or
(b) As is reasonably necessary in the case of an emergency involving public health or safety.
4. As used in this section, the term "local law enforcement agency" means:
(a) The sheriff's office of a county;
(b) A metropolitan police department; or
(c) A police department of an incorporated city.
(Added to NRS by 2003, 2954)

CHAPTER 467 - UNARMED COMBAT

NRS 467.1005 Confidentiality of certain information concerning applicant for license; disclosure of information; procedure.
1. Except as otherwise provided in subsection 2, the Commission shall keep confidential:
(a) Any information that it receives concerning an applicant for the issuance of a license pursuant to this chapter which is declared confidential by law and that is provided to the Commission by another governmental entity or the Association of Boxing Commissions;
(b) Any information contained in a medical record of such an applicant, if the information is not relevant to the Commission in determining whether to grant a license to the applicant;
(c) Any information relating to the financial records of an applicant or licensee; and
(d) Any information required to be disclosed to the Commission and kept confidential pursuant to federal law.
2. The Commission shall reveal the information set forth in subsection 1:
(a) Upon the lawful order of a court of competent jurisdiction;
(b) To any person upon the request of the person who is the subject of the information; and
(c) In the course of the necessary administration of this chapter.
3. A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection 1 must submit a motion in writing to the court requesting the information. At least 10 days before submitting the motion, the person must provide notice to the Commission, the Attorney General and all persons who may be affected by the disclosure of the information. The notice must:
(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and
(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.
(Added to NRS by 1999, 1233; A 2001, 994)

NRS 467.137 Promoter and network to file copy of contracts for television rights; records of accounts and other documents; assessment of fee for license; confidentiality of contract.
1. A promoter and a broadcasting network for television shall each, at least 72 hours before a contest or exhibition of unarmed combat, or combination of those events is to be held, file with the Commission's Executive Director a copy of all contracts entered into for the sale, lease or other exploitation of television rights for the contest or exhibition.
2. The promoter shall keep detailed records of the accounts and other documents related to the promoter's receipts from the sale, lease or other exploitation on the television rights for a contest or exhibition. The Commission, at any time, may inspect these accounts and documents to determine the amount of the total gross receipts received by the promoter from the television rights.
3. If a promoter or a network fails to comply with the requirements of this section, the Commission may determine the amount of the total gross receipts from the sale, lease or other exploitation of television rights for the contest or exhibition and assess the appropriate license fee pursuant to paragraph (b) of subsection 1 of NRS 467.107.
4. Each contract filed with the Commission pursuant to this section is confidential and is not a public record.
(Added to NRS by 1983, 927; A 1985, 942)

NRS 481.063 Collection and deposit of fees for publications of Department and private use of files and records of Department; limitations on release and use of files and records; regulations.

1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

□ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;
(4) Alterations of products related to motor vehicles;
(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
(6) Monitoring the performance of motor vehicles;
(7) Parts or accessories of motor vehicles;
(8) Dealers of motor vehicles; or
(9) Removal of nonowner records from the original records of motor vehicle manufacturers.
(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.
(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.
(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.
(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.
(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.
(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.
(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.
(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:
(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;
(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and
(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.
7. Except as otherwise provided in paragraph (j) of subsection 6, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:
(a) Each person to whom the information is provided; and
(b) The purpose for which that person will use the information.
□ The record must be made available for examination by the Department at all reasonable times upon request.
8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.
9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.
10. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:
(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;
(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;
(c) Understands that a record will be maintained by the Department of any information he or she requests; and
(d) Understands that a violation of the provisions of this section is a criminal offense.
11. It is unlawful for any person to:
(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.
12. As used in this section:
(a) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.
(b) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.
(Added to NRS by 1957, 611; A 1975, 210; 1979, 1118; 1981, 1590; 1985, 686; 1989, 473; 1993, 2479; 1995, 1926; 1997, 65, 312, 2342; 1999, 1932; 2001, 909; 2003, 454; 2009, 709, 2201, 2273; 2011, 289, 2679)

CHAPTER 482 - MOTOR VEHICLES AND TRAILERS: LICENSING, REGISTRATION, SALES AND LEASES

NRS 482.170 Records of Department concerning registration and licensing. Except as otherwise provided in NRS 239.0115, 481.063 and 485.316, 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.
[4:202:1931; 1931 NCL § 4435.03]—(NRS A 1991, 487; 1993, 2479; 1995, 1929; 2007, 2114)

NRS 482.5536 Court proceedings: Disclosure of certain information prohibited; exception; in camera review.
1. Except as otherwise provided in this section, a person shall not disclose during any court proceeding or in any written document produced pursuant to a request for discovery of documents in any action involving the theft of a motor vehicle or part from a motor vehicle the identification of any confidential investigative technique or the location of any confidential identifying number or mark used by a law enforcement agency or the Department to identify a motor vehicle or part from a motor vehicle.
2. Upon request of a party to the action, the court may review confidential techniques and information related to the location of confidential identifying numbers or marks in camera to determine whether disclosure of such information is necessary to determine the issue before the court and may make any orders that justice may require.
(Added to NRS by 2007, 2361)

CHAPTER 483 - DRIVERS' LICENSES; DRIVING SCHOOLS AND DRIVING INSTRUCTORS

NRS 483.340 Issuance and contents of license; license for purposes of identification only issued to certain persons; confidentiality of certain information; exception; unlawful acts; anatomical gifts; indicia of medical condition; adoption of regulations. [Effective until the date of the expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.]
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 the licensee has one, unless the licensee 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 or her 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, criminal investigators employed by the Secretary of State 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, the Secretary of State or his or her designee or the Chair 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. Except as otherwise provided in NRS 239.0115, 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 or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.
(b) Give the holder the opportunity to have indicated whether he or she 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 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 a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.
(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 or her 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 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.
[19:190:1941; A 1943, 268; 1943 NCL § 4442.18]—(NRS A 1963, 843; 1969, 544; 1975, 802; 1977, 449; 1981, 1106, 2007; 1985, 1938; 1987, 895; 1989, 437, 474, 1152; 1991, 487, 2171; 1993, 1188; 2001, 681, 2551; 2003, 180, 469, 830; 2005, 244, 2313; 2007, 795, 2114; 2009, 2565)

NRS 483.340 Issuance and contents of license; contents of license to be prescribed by regulation; license for purposes of identification only issued to certain persons; confidentiality of certain information; exception; unlawful acts; anatomical gifts; indicia of medical condition; adoption of regulations. [Effective on the date of the expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.]
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.
2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.
3. 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, criminal investigators employed by the Secretary of State 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, the Secretary of State or his or her designee or the Chair 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.
4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.
5. It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.
6. 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 or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she 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 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 a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.
(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 or her driver's license.
7. 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.
8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 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.
[19:190:1941; A 1943, 268; 1943 NCL § 4442.18]—(NRS A 1963, 843; 1969, 544; 1975, 802; 1977, 449; 1981, 1106, 2007; 1985, 1938; 1987, 895; 1989, 437, 474, 1152; 1991, 487, 2171; 1993, 1188; 2001, 681, 2551; 2003, 180, 469, 830; 2005, 244, 2313; 2007, 795, 2114, 2785; 2009, 2565, 2566, effective on the date of the expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005)

NRS 483.363 Report requesting that Department examine licensee who may be unable to safely operate motor vehicle: Who may file; required contents; confidentiality; exception; limitation upon filing; Administrator to prescribe form and procedure.
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 NRS 239.0115 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 Administrator 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.
(Added to NRS by 2005, 2311; A 2007, 2115)

NRS 483.800 Information to be furnished to Department; establishment of registry; regulations; maintenance of file; confidentiality; exception; penalty.
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. Except as otherwise provided in NRS 239.0115, 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 persons who are blind pursuant to NRS 426.518 to 426.610, inclusive, is guilty of a misdemeanor.
(Added to NRS by 1973, 1522; A 1975, 1013; 1981, 1912; 1985, 1941; 1993, 2068; 2005, 630; 2005, 22nd Special Session, 62; 2007, 2116)

CHAPTER 484E - ACCIDENTS AND REPORTS OF ACCIDENTS

NRS 484E.070 Written report of accident to Department by driver or owner; exceptions; confidentiality; use as evidence at trial.
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 Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 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 the person's incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver 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 NRS 239.0115 and except that the Department may disclose to a person involved in an accident or to his or her insurer the identity of another person involved in the accident when the person's identity is not otherwise known or when the person denies having been present at the accident. The Department may also disclose the name of the person's insurer and the number of the person's 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 484E.080.

(Added to NRS by 1969, 1484; A 1981, 1126, 1865; 1983, 1067; 1985, 1174, 1943; 1995, 2732; 1997, 1620, 2008; 2007, 2117)—(Substituted in revision for NRS 484.229)

CHAPTER 485 - MOTOR VEHICLES: INSURANCE AND FINANCIAL RESPONSIBILITY

NRS 485.316 Confidentiality of information in system; exceptions; penalty.
1. Except as otherwise provided in subsection 2 and NRS 239.0115, information which is maintained in the system created pursuant to NRS 485.313 is confidential.
2. The Department may only disclose information which is maintained in the system to:
(a) A state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation;
(b) An authorized insurer;
(c) A person:
(1) With whom the Department has contracted to provide services relating to the system created pursuant to NRS 485.313; and
(2) To whom the information is disclosed only pursuant to a nondisclosure or confidentiality agreement which relates to the information;
(d) A person who requests information regarding his or her own status;
(e) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;
(f) A person who has a power of attorney from the person about whom the information is requested;
(g) 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
(h) A person who has suffered a loss or injury in an accident involving a motor vehicle, or the person's authorized insurer or a representative of the 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.
3. 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.
4. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.
(Added to NRS by 1993, 2484; A 1995, 1301, 2740; 2001 Special Session, 253; 2007, 2118; 2009, 2207)

CHAPTER 522 - OIL AND GAS

NRS 522.040 Powers and duties of Division.
1. The Division has jurisdiction and authority over all persons and property, public and private, necessary to effectuate the purposes and intent of this chapter.
2. The Division shall make investigation to determine whether waste exists or is imminent, or whether other facts exist which justify or require action by it.
3. The Division shall adopt regulations, make orders and take other appropriate action to effectuate the purposes of this chapter.
4. The Division may:
(a) Require:
(1) Identification or ownership of wells, producing leases, tanks, plants and drilling structures.
(2) The making and filing of reports, well logs and directional surveys. Logs of exploratory or "wildcat" wells marked "confidential" must be kept confidential for 6 months after the filing thereof, unless the owner gives written permission to release those logs at an earlier date.
(3) The drilling, casing and plugging of wells in such a manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into an oil or gas stratum, the pollution of fresh water supplies by oil, gas or salt water, and to prevent blowouts, cavings, seepages and fires.
(4) The furnishing of a reasonable bond with good and sufficient surety conditioned for the performance of the duty to plug each dry or abandoned well or the repair of wells causing waste.
(5) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios.

(6) The gauging or other measuring of oil and gas to determine the quality and quantity thereof.
(7) That every person who produces oil or gas in this State keep and maintain for a period of 5 years within this State complete and accurate record of the quantities thereof, which must be available for examination by the Division or its agents at all reasonable times.
(b) Regulate, for conservation purposes:
(1) The drilling, producing and plugging of wells.
(2) The shooting and chemical treatment of wells.
(3) The spacing of wells.
(4) The disposal of salt water, nonpotable water and oil field wastes.
(5) The contamination or waste of underground water.
(c) Classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.
[4:202:1953]—(NRS A 1977, 1151; 1981, 86; 1983, 2079; 1993, 1689)

CHAPTER 534A - GEOTHERMAL RESOURCES

NRS 534A.031 Exploration and subsurface information: Filing with Division of Minerals of Commission on Mineral Resources; confidentiality; release to State Engineer or other agency. Any exploration and subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals of the Commission on Mineral Resources within 30 days after it is accumulated. The information is confidential for 5 years after the date of filing and may not be disclosed during that time without the express written consent of the operator of the project, except that it must be made available by the Division to the State Engineer or any other agency of the State upon request. The State Engineer or other agency shall keep the information confidential.
(Added to NRS by 1977, 383; A 1985, 1303; 1993, 1701; 1999, 3633)

CHAPTER 561 - STATE DEPARTMENT OF AGRICULTURE

NRS 561.285 Collection and dissemination of information; confidential proprietary information.
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 239.0115 and 571.160, 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,
Ê 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.
(Added to NRS by 1961, 500; A 1993, 1727; 1999, 3662; 2005, 524; 2007, 2118)

CHAPTER 571 - DISEASED ANIMALS

NRS 571.160 Notice to State Quarantine Officer of animal infected with disease; confidentiality of notice. 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. Except as otherwise provided in NRS 239.0115, a notification of disease received pursuant to this section must be kept confidential unless:
1. The reported disease is:
(a) Specifically regulated pursuant to NRS 571.130 for mandatory control and eradication to protect the public health, other animals or wildlife; or
(b) Trichomonosis in cattle; or
2. The State Quarantine Officer determines that a public health emergency exists.
(Added to NRS by 1961, 509; A 1993, 1748; 1999, 1069, 3687; 2001, 279; 2003, 2159; 2007, 2119; 2009, 461)

CHAPTER 574 - CRUELTY TO ANIMALS: PREVENTION AND PENALTIES

NRS 574.053 Reporting acts of cruelty.
1. Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty in violation of NRS 574.100 may report the act of cruelty to any:
(a) Peace officer;
(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040; or
(c) Animal control officer.
2. Any report made pursuant to subsection 1 is confidential.
3. Any person, law enforcement agency, society for the prevention of cruelty to animals or animal control agency that willfully releases data or information concerning the reports, except for the purposes of a criminal investigation or prosecution, is guilty of a misdemeanor.
(Added to NRS by 2011, 1604)

CHAPTER 584 - DAIRY PRODUCTS AND SUBSTITUTES

NRS 584.583 Sale of milk, cream, butter or fresh dairy products below cost.
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,
Ê 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 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 NRS 239.0115 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.
(Added to NRS by 1959, 900; A 1975, 1495; 1979, 1311; 1983, 1239; 1987, 155; 2007, 2119)

NRS 584.5835 Restrictions on sale of substitute dairy products by distributor.
1. A distributor shall not sell a substitute dairy product, as defined in NRS 584.176, below the distributor's cost.
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. 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 NRS 239.0115 and except when used in a judicial proceeding or an administrative proceeding relating to the provisions of this chapter.
(Added to NRS by 1981, 680; A 2001, 2436; 2007, 2120)

NRS 584.655 Confidentiality of records and reports. 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 NRS 239.0115 and except when necessary for the proper determination of any court proceedings or hearing before the Commission.
[71:387:1955]—(NRS A 2007, 2120)

CHAPTER 598 - DECEPTIVE TRADE PRACTICES

NRS 598.0964 Use and sharing of confidential information by Attorney General; cooperation between Attorney General and other agencies and officials.
1. The Attorney General, in the course of the investigation of any alleged violations of this chapter, may obtain and use any intelligence, investigative information or other information obtained by or made available to the Attorney General. Except as otherwise provided in subsections 2 and 3, any such intelligence or information received must retain its confidential status under the laws of this State until the Attorney General institutes civil or criminal proceedings and is exempt from the provisions of NRS 239.010.
2. Except as otherwise provided in subsection 4, the Attorney General may cooperate with and coordinate the enforcement of the provisions of this chapter with State and local agencies, officials of the Federal Government and the several states, including, but not limited to, the sharing of information and evidence obtained in accordance with subsection 1 or NRS 598.0963.
3. The provisions of subsections 1 and 2 do not prohibit the Attorney General from disclosing any intelligence or information received pursuant to subsection 1, including, without limitation, the address or telephone number of a business or organization, before the Attorney General institutes civil or criminal proceedings if, in the discretion of the Attorney General, that disclosure is necessary to protect consumers and businesses.
4. If any information sought pursuant to an investigation of an alleged violation of this chapter includes a trade secret, the Attorney General shall enter into, and be bound by, an agreement regarding limitations on the disclosure of that information to protect that trade secret. Notwithstanding the provisions of this section, the Attorney General shall not disclose that information in violation of the terms of the agreement. For the purposes of this subsection, "trade secret" has the meaning ascribed to it in NRS 600A.030.
(Added to NRS by 2009, 1187)

NRS 598.0979 Restraining orders; injunctions; assurances of discontinuance. [Effective July 1, 2013.]
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 or she may request in writing that the Attorney General represent him or her 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 or she 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 or she 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.
Ê Except as otherwise provided in this subsection and NRS 239.0115, 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, 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.
(Added to NRS by 1973, 1485; A 1983, 884; 1985, 1480, 2258; 1995, 2175; 2007, 2120; R temp. 2009, 2732; R temp. 2011, 2652, expires by limitation on June 30, 2013)

NRS 598.098 Disclosure of information by Commissioner or Director; regulations. [Effective July 1, 2013.]
1. NRS 598.0903 to 598.0999, inclusive, do not prohibit the Commissioner or Director from disclosing to the Attorney General, any district attorney or any law enforcement officer the fact that a crime has been committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.
2. Subject to the provisions of subsection 2 of NRS 598.0979 and except as otherwise provided in this section, the Commissioner or Director may not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:
(a) Prevent the Commissioner or Director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.
(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.
3. Upon request, the Commissioner may:
(a) Disclose the number of written complaints received by the Commissioner during the current and immediately preceding 3 fiscal years. A disclosure made pursuant to this paragraph must include the disposition of the complaint disclosed.
(b) Make public any order to cease and desist issued pursuant to subsection 5 of NRS 598.0971.
Ê This subsection does not authorize the Commissioner to disclose or make public the contents of any complaint described in paragraph (a) or the record of or any other information concerning a hearing conducted in relation to the issuance of an order to cease and desist described in paragraph (b).
4. The Commissioner may adopt regulations authorizing the disclosure of information concerning any complaint or number of complaints received by the Commissioner or Director relating to a person who has been convicted of violating a provision of NRS 598.0903 to 598.0999, inclusive.
(Added to NRS by 1973, 1486; A 1983, 884; 1985, 1481; 1995, 2175; 2005, 1429; R temp. 2009, 2732; R temp. 2011, 2652, expires by limitation on June 30, 2013)

CHAPTER 598A - UNFAIR TRADE PRACTICES

NRS 598A.110 Investigative demands: Confidentiality. 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 NRS 239.0115;
2. Disclosure is authorized by the district court; or
3. Disclosure is made pursuant to NRS 598A.080.
(Added to NRS by 1975, 947; A 2007, 2121)

NRS 599B.090 Registration of seller: Application; confidentiality of certain information; security; fee. [Effective July 1, 2013.]

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 or she 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) Salesperson 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 salesperson 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 salesperson, or of which the applicant will inform the salesperson; 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, by order of a court of competent jurisdiction or pursuant to NRS 239.0115.

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 or she 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.

(Added to NRS by 1989, 1382; A 1991, 984; 1993, 2104; 1995, 936; 1997, 3206; 1999, 1904; 2007, 2121; R temp. 2009, 2732; R temp. 2011, 2652, expires by limitation on June 30, 2013)

CHAPTER 603 – COMPUTERS

NRS 603.070 Use by governmental agency of proprietary program or data. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1983, 1350; A 2007, 2123)

CHAPTER 604A - DEFERRED DEPOSIT LOANS, HIGH-INTEREST LOANS, TITLE LOANS AND CHECK-CASHING SERVICES

NRS 604A.710 Investigation of businesses; examination of books and records by Commissioner.
1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:
(a) Any licensee;
(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise;
(c) Any registered agent who represents a licensee or any other person engaged in the business of making loans; and
(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.
2. For the purpose of examination, the Commissioner or his or her authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.
3. The investigation of a registered agent pursuant to subsection 1, including, without limitation, any books, accounts, papers and records used therein, must be kept confidential except to the extent necessary to enforce any provision of this chapter.
4. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to make any deferred deposit loan, high-interest loan or title loan is presumed to be engaged in the business of making loans.
5. This section does not entitle the Commissioner or his or her authorized representatives to investigate the business or examine the books, accounts, papers and records of any attorney who is not a person described in paragraph (a), (b) or (d) of subsection 1, other than examination of those books, accounts, papers and records maintained by such attorney in his or her capacity as a registered agent, and then only to the extent such books, accounts, papers and records are not subject to any privilege in NRS 49.035 to 49.115, inclusive.
(Added to NRS by 2005, 1706; A 2007, 943, 2721; 2009, 1730)

CHAPTER 612 - UNEMPLOYMENT COMPENSATION

NRS 612.265 Disclosure of information by Division; duty of private carriers of industrial insurance to provide certain information to Administrator; penalty for improper disclosure of certain information.
1. Except as otherwise provided in this section and NRS 239.0115, 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 a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's 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.
È 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. Except as otherwise provided in NRS 239.0115, 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 the Administrator 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. The Administrator 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 chapter 617 of NRS during the preceding month and request that the Administrator 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 chapter 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 or she 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.
[Part 4:59:1941; A 1945, 119; 1955, 518]—(NRS A 1965, 115; 1967, 627; 1971, 749; 1983, 409, 858; 1987, 1463; 1989, 1170; 1991, 351, 2464, 2466; 1993, 534, 624, 657, 803, 1811; 1995, 579, 1580, 1997; 1997, 579; 1999, 1756; 2003, 20th Special Session, 214; 2007, 2123)

CHAPTER 616B - INDUSTRIAL INSURANCE: INSURERS; LIABILITY FOR PROVISION OF COVERAGE

NRS 616B.012 Confidentiality and disclosure of information; penalty for disclosure or use of information; privileged communications.
1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, 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 legal representative of the claimant 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.
Ê 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. Except as otherwise provided in NRS 239.0115, 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,
Ê 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.
(Added to NRS by 1989, 1189; A 1991, 2465; 1993, 701, 1858; 1995, 579, 1583, 2131; 1997, 527, 1425; 1999, 208, 756, 757; 2003, 2303; 2003, 20th Special Session, 216; 2007, 2125)

NRS 616B.015 Confidentiality of certain records and files of Division of Insurance concerning self-insured employers and associations of self-insured public or private employers; exceptions.
1. Except as otherwise provided in subsection 2 and NRS 239.0115, 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 an agent of the Governor 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.

(Added to NRS by 1995, 2123; A 1999, 209; 2007, 2126)

NRS 616B.315 Notification of change in ownership or control of self-insured employer; automatic termination of certification unless extension granted. 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 NRS 239.0115.
(Added to NRS by 1985, 582; A 1995, 2137; 2007, 2127)

NRS 616B.350 Qualification as association of self-insured public or private employers; application for certification; fee; confidentiality of financial information submitted for certification.
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 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.
(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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1993, 669; A 1995, 1978; 2007, 2128; 2009, 1828)

CHAPTER 618 - OCCUPATIONAL SAFETY AND HEALTH

NRS 618.341 Records of Division: Public inspection; copying; confidentiality; exception.
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 NRS 239.0115, 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.
Ê 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.
(Added to NRS by 1989, 468; A 1999, 1856; 2007, 2129)

NRS 618.425 Request for investigation; confidentiality; investigation by Division.
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 the Administrator's representative of the violation or danger.
2. The person giving the notice must state with reasonable particularity the grounds for the notice. Except as otherwise provided in NRS 239.0115, 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 the complainant may supplement his or her oral complaint. The failure of the complainant 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.
(Added to NRS by 1973, 1017; A 1975, 770; 1981, 1511; 1989, 470; 2001, 1252; 2007, 2129)

CHAPTER 623 - ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN

NRS 623.131 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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 NRS 239.0115, 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.
(Added to NRS by 1985, 1454; A 1995, 1697; 2003, 3419; 2005, 752; 2007, 2130)

CHAPTER 623A - LANDSCAPE ARCHITECTS

NRS 623A.353 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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 NRS 239.0115, 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.
(Added to NRS by 2001, 498; A 2005, 758; 2007, 2130)

CHAPTER 624 – CONTRACTORS

NRS 624.110 Offices; maintenance, inspection and confidentiality of records and reports.
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 239.0115 and 624.327, credit reports, references, financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.
[1:Art. V:186:1941; 1931 NCL § 1474.27]—(NRS A 1963, 145; 1967, 1592; 1987, 1138; 2003, 1899, 3422; 2007, 2131)

NRS 624.265 Good character of applicant or licensed contractor and certain associates; grounds for establishment of lack of good character; background investigation; confidentiality of results of background investigation; fee for processing fingerprints; Board may obtain criminal history.
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 guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill 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 or her 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 the 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. Except as otherwise provided in NRS 239.0115, 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 and guilty but mentally ill 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.
(Added to NRS by 1967, 1595; A 1995, 2476; 1999, 2180, 2959; 2003, 1497; 2005, 1203; 2007, 1470, 2131)

NRS 624.327 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, the existence of and the personally identifying information in 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.
(Added to NRS by 2003, 1898, 3422; A 2007, 861, 2132)

CHAPTER 625 - PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NRS 625.425 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in NRS 239.0115, 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 or her 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.
(Added to NRS by 1991, 2237; A 1997, 1052; 2003, 3423; 2007, 2132)

CHAPTER 625A - ENVIRONMENTAL HEALTH SPECIALISTS

NRS 625A.185 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3424; A 2005, 759; 2007, 2133)

CHAPTER 628 – ACCOUNTANTS

NRS 628.418 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3425; A 2007, 2133)

CHAPTER 630 - PHYSICIANS, PHYSICIAN ASSISTANTS, MEDICAL ASSISTANTS, PERFUSIONISTS AND PRACTITIONERS OF RESPIRATORY CARE

NRS 630.133 Board required to notify Health Division of Department of Health and Human Services upon identification of certain sentinel events.
1. The Board shall immediately notify the Health Division of the Department of Health and Human Services if the Board identifies a sentinel event which is required to be reported by a medical facility pursuant to NRS 439.835.
2. Except as otherwise provided in NRS 239.0115, any information provided to the Health Division pursuant to this section relating to the identification of a sentinel event is confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
(Added to NRS by 2009, 3070)

NRS 630.30665 Physician required to report certain information concerning surgeries and sentinel events; effect of failure to report; duties of Board; confidentiality of report; applicability.
1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or
(b) Outside of this State.
2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.
3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:
(a) At the time the holder of a license renews his or her license; and
(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to subsection 9 of NRS 630.306.
4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.
5. The Board shall:
(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;
(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; and
(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection 6.
6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.
7. 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.
8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.
9. As used in this section:
(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.
(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.
(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.
(d) "Health Division" has the meaning ascribed to it in NRS 449.009.
(e) "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.
(Added to NRS by 2005, 2512; A 2007, 1826, 2133; 2009, 534, 560; 2011, 2860)

NRS 630.336 Confidentiality of certain proceedings, reports, complaints, investigations, records and other information; exceptions.
1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, 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, perfusionist, 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, perfusion 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. Except as otherwise provided in NRS 239.0115, 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, perfusion 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 NRS 239.0115, 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 formal 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.
(Added to NRS by 1977, 826; A 1985, 2241; 1987, 201; 1989, 664; 2001, 769; 2003, 3435; 2007, 2134; 2009, 2968; 2011, 2863)

CHAPTER 630A - HOMEOPATHIC MEDICINE

NRS 630A.555 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1995, 504; A 2003, 3438; 2005, 764; 2007, 2135)

CHAPTER 631 - DENTISTRY AND DENTAL HYGIENE

NRS 631.368 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; dissemination of records to other agencies.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1993, 2742; A 2003, 3439; 2007, 2135)

CHAPTER 632 – NURSING

NRS 632.121 Board required to notify Health Division of Department of Health and Human Services upon identification of certain sentinel events.
1. The Board shall immediately notify the Health Division of the Department of Health and Human Services if the Board identifies a sentinel event which is required to be reported by a medical facility pursuant to NRS 439.835.

2. Except as otherwise provided in NRS 239.0115, any information provided to the Health Division pursuant to this section relating to the identification of a sentinel event is confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
(Added to NRS by 2009, 3071)

NRS 632.125 Hospitals and agencies employing nurses, nursing assistants or medication aides - certified to submit list of personnel to Board; medical facilities to confirm qualifications before employment of nursing assistant, nursing assistant trainee or medication aide - certified.
1. Each hospital or agency in the State employing professional or practical nurses, nursing assistants or medication aides - certified shall submit a list of such nursing personnel to the Board at least three times annually as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.
2. A medical facility shall, before hiring a nursing assistant, nursing assistant trainee or medication aide - certified, 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.
(Added to NRS by 1963, 610; A 1989, 2013, 2014; 2001, 623; 2007, 2135; 2011, 1328)

NRS 632.405 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1993, 1218; A 2003, 3440; 2007, 2136)

CHAPTER 633 - OSTEOPATHIC MEDICINE

NRS 633.283 Board required to notify Health Division of Department of Health and Human Services upon identification of certain sentinel events.
1. The Board shall immediately notify the Health Division of the Department of Health and Human Services if the Board identifies a sentinel event which is required to be reported by a medical facility pursuant to NRS 439.835.
2. Except as otherwise provided in NRS 239.0115, any information provided to the Health Division pursuant to this section relating to the identification of a sentinel event is confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
(Added to NRS by 2009, 3071)

NRS 633.301 Records; confidentiality of certain records; exceptions.
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 and every physician assistant licensed under this chapter.
2. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1977, 944; A 2003, 3442; 2005, 765; 2007, 1835, 2136)

NRS 633.524 Osteopathic physician required to report certain information concerning surgeries and sentinel events; effect of failure to report; duties of Board; confidentiality of report; applicability.

1. The Board shall require each holder of a license to practice osteopathic medicine issued pursuant to this chapter to submit to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of the license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to NRS 633.511.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(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; and

(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. 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.

8. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Health Division" has the meaning ascribed to it in NRS 449.009.

(e) "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.

(Added to NRS by 2005, 2515; A 2007, 1840, 2136; 2009, 537, 561; 2011, 2864)

CHAPTER 634 – CHIROPRACTIC

NRS 634.212 Records: General requirements; certain records relating to applicant or licensee deemed confidential; disclosure to other agencies; notice of disclosure.
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 NRS 239.0115, 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.
(Added to NRS by 1983, 419; A 2003, 3448; 2007, 2137)

NRS 634.214 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3444; A 2005, 2823; 2007, 2138)

CHAPTER 634A - ORIENTAL MEDICINE

NRS 634A.185 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3448; A 2005, 769; 2007, 2138)

CHAPTER 635 – PODIATRY

NRS 635.158 Confidentiality of certain records of Board; exceptions; retention of complaints.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.
(Added to NRS by 2003, 3448; A 2005, 770; 2007, 2138; 2009, 889)

CHAPTER 636 – OPTOMETRY

NRS 636.107 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3450; A 2007, 2139)

CHAPTER 637 - DISPENSING OPTICIANS

NRS 637.085 Confidentiality of certain records of Board; exceptions.
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 NRS 239.0115, 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 NRS 239.0115, 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.
(Added to NRS by 1987, 602; A 2003, 3451; 2005, 771; 2007, 2139)

CHAPTER 637A - HEARING AID SPECIALISTS

NRS 637A.315 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3452; A 2005, 775; 2007, 2139)

CHAPTER 637B - AUDIOLOGISTS AND SPEECH PATHOLOGISTS

NRS 637B.288 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3452; A 2005, 776; 2007, 2140)

CHAPTER 638 – VETERINARIANS

NRS 638.087 Records: General requirements; confidentiality of certain records of Board; exceptions.
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 or her 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 NRS 239.0115, 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.
(Added to NRS by 1985, 1250; A 2003, 1224, 3453; 2005, 777; 2007, 2140)

NRS 638.089 Records: Additional provisions governing confidentiality and disclosure.
1. Except as provided in this section and NRS 239.0115, 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.
(Added to NRS by 1985, 1246; A 2007, 2141)

CHAPTER 639 - PHARMACISTS AND PHARMACY

NRS 639.2485 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure of certain information relating to dangerous drugs and controlled substances; duties of Board upon request or subpoena for records or information; retention of complaints.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
5. The Board shall retain all complaints or other documents filed by the Board to initiate disciplinary action for at least 10 years, including, without limitation, any complaints not acted upon.
(Added to NRS by 1989, 1568; A 1991, 1952; 1995, 294; 2003, 3454; 2007, 2141; 2009, 895)

NRS 639.570 Employees of wholesalers or manufacturers; adoption of marketing code of conduct; training; investigation policies; submission of information to Board; Board to report certain information to Governor and Legislature; duties of Board.
1. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall:
(a) Adopt a written marketing code of conduct which establishes the practices and standards that govern the marketing and sale of its products. The marketing code of conduct must be based on applicable legal standards and incorporate principles of health care, including, without limitation, requirements that the activities of the wholesaler or manufacturer be intended to benefit patients, enhance the practice of medicine and not interfere with the independent judgment of health care professionals. Adoption of the most recent version of the Code on Interactions with Healthcare Professionals developed by the Pharmaceutical Research and Manufacturers of America satisfies the requirements of this paragraph.
(b) Adopt a training program to provide regular training to appropriate employees, including, without limitation, all sales and marketing staff, on the marketing code of conduct.
(c) Conduct annual audits to monitor compliance with the marketing code of conduct.
(d) Adopt policies and procedures for investigating instances of noncompliance with the marketing code of conduct, including, without limitation, the maintenance of effective lines of communication for employees to report noncompliance, the investigation of reports of noncompliance, the taking of corrective action in response to noncompliance and the reporting of instances of noncompliance to law enforcement authorities in appropriate circumstances.
(e) Identify a compliance officer responsible for developing, operating and monitoring the marketing code of conduct.
2. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall submit to the Board annually:
(a) A copy of its marketing code of conduct;
(b) A description of its training program;
(c) A description of its investigation policies;

(d) The name, title, address, telephone number and electronic mail address of its compliance officer; and
(e) Certification that it has conducted its annual audit and is in compliance with its marketing code of conduct.
3. On or before January 15 of each odd-numbered year, the Board shall prepare and submit to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, a compilation of the information submitted to the Board pursuant to this section, other than any information identified as a trade secret in the information submitted to the Board.
4. The Board:
(a) Shall adopt regulations providing for the time of the submission and the form of the information required pursuant to this section and defining "compliance" for the purposes of this section.
(b) May not require the disclosure of the results of an audit conducted pursuant to this section.
(c) Shall post on its Internet website information concerning the compliance of all wholesalers and manufacturers with the requirements of this section.
(d) Shall not disclose any proprietary or confidential business information that it receives pursuant to this section.
(Added to NRS by 2007, 1791)

CHAPTER 640 - PHYSICAL THERAPISTS

NRS 640.075 Confidentiality of certain records of the Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1989, 1574; A 2003, 3455; 2005, 781; 2007, 2141)

CHAPTER 640A - OCCUPATIONAL THERAPISTS

NRS 640A.220 Confidentiality of certain records of Board; exceptions; retention of complaints.
1. Except as otherwise provided in this section and NRS 239.0115, 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. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.
(Added to NRS by 1991, 991; A 2003, 3457; 2005, 784; 2007, 2142; 2009, 897)

CHAPTER 640B - ATHLETIC TRAINERS

NRS 640B.730 Confidentiality of certain records of Board; exceptions; retention of complaints.
1. Except as otherwise provided in this section and NRS 239.0115, 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. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.
(Added to NRS by 2003, 903; A 2005, 786; 2007, 2142; 2009, 899)

CHAPTER 640C - MASSAGE THERAPISTS**NRS 640C.400 Issuance of license; qualifications; requirements; application; fees; fingerprints; examination; investigation.**
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 the applicant 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 or her license to practice massage therapy; and
(II) Disciplinary proceedings relating to his or her 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:
(1) 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; or
(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.
3. If the Board determines that the examinations being administered pursuant to subparagraph (I) of 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 or her 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) Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2005, 1125; A 2007, 2142; 2009, 2576)

NRS 640C.745 Records relating to convictions for certain crimes: Requests; confidentiality; use.
1. When conducting an investigation of a massage therapist pursuant to this chapter, the Board or the Executive Director may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.
2. Upon receiving a request from the Board or the Executive Director pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:
(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and
(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist pursuant to this chapter.
(Added to NRS by 2009, 2581)

NRS 640C.760 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2005, 1133; A 2007, 2144)

CHAPTER 640D - MUSIC THERAPISTS

NRS 640D.190 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information returned from the Certification Board for Music Therapists or its successor organization 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.
(Added to NRS by 2011, 1091)

CHAPTER 640E – DIETETICS

NRS 640E.340 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.
1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
2. Any 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.
(Added to NRS by 2011, 1509)

CHAPTER 641 - PSYCHOLOGISTS, LICENSED BEHAVIOR ANALYSTS, LICENSED ASSISTANT BEHAVIOR ANALYSTS AND CERTIFIED AUTISM BEHAVIOR INTERVENTIONISTS

NRS 641.090 Records: Duties of Secretary-Treasurer; custody and inspection; confidentiality; exceptions.
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. Except as otherwise provided in NRS 239.0115, the Board may keep the personnel records of applicants confidential.
4. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1963, 188; A 1979, 1352; 1989, 1540; 2003, 3457; 2005, 787; 2007, 2144)

CHAPTER 641A - MARRIAGE AND FAMILY THERAPISTS AND CLINICAL PROFESSIONAL COUNSELORS

NRS 641A.191 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.
1. Except as otherwise provided in this section and NRS 239.0115, 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.

(Added to NRS by 1989, 1569; A 2003, 3458; 2007, 2145)

CHAPTER 641B - SOCIAL WORKERS

NRS 641B.170 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, any records or information received by the Board relating to a licensee or an applicant for a license is confidential.
2. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1995, 448; A 2005, 791; 2007, 2145)

CHAPTER 641C - ALCOHOL, DRUG AND GAMBLING COUNSELORS AND DETOXIFICATION TECHNICIANS

NRS 641C.760 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 1999, 3058; A 2003, 3460; 2005, 796; 2007, 2145)

CHAPTER 642 - FUNERAL DIRECTORS, EMBALMERS AND OPERATORS OF CEMETERIES AND CREMATORIES

NRS 642.524 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3461; A 2005, 798; 2007, 2146)

CHAPTER 643 - BARBERS AND BARBERING

NRS 643.189 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3462; A 2005, 800; 2007, 2146)

CHAPTER 644 – COSMETOLOGY

NRS 644.446 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3463; A 2005, 801; 2007, 2146)

CHAPTER 645 - REAL ESTATE BROKERS AND SALESPERSONS

NRS 645.625 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a license, permit or registration issued pursuant to this chapter.
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.
(Added to NRS by 2003, 3464; A 2005, 1292; 2007, 1542, 2147)

CHAPTER 645A - ESCROW AGENCIES AND AGENTS

NRS 645A.050 Duties of Commissioner.
1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over escrow agents and agencies doing business in the State of Nevada.
2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt such regulations as may be necessary for making this chapter effective.
(b) Conduct or cause to be conducted each year an examination of each escrow agency licensed pursuant to this chapter.
(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter.
(d) Conduct such examinations, investigations and hearings, in addition to those specifically provided for by law, as may be necessary and proper for the efficient administration of the laws of this State relating to escrow.
(e) Classify as confidential the financial statements of an escrow agency and those records and information obtained by the Division which:
(1) Are obtained from a governmental agency upon the express condition that they remain confidential.
(2) Except as otherwise provided in NRS 645A.082, 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.
3. An escrow agency may engage a certified public accountant to perform such an examination in lieu of the Division. In such a case, the examination must be equivalent to the type of examination made by the Division and the expense must be borne by the escrow agency being examined.
4. The Commissioner shall determine whether an examination performed by an accountant pursuant to subsection 3 is equivalent to an examination conducted by the Division. The Commissioner may examine any area of the operation of an escrow agency if the Commissioner determines that the examination of that area is not equivalent to an examination conducted by the Division.
(Added to NRS by 1973, 1308; A 1985, 1812; 1991, 1850; 1993, 1892; 2003, 3466)

NRS 645A.082 Records of Commissioner: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3466; A 2007, 2147)

CHAPTER 645B - MORTGAGE BROKERS AND MORTGAGE AGENTS

NRS 645B.060 Duties of Commissioner: Regulations; investigations; annual examinations; periodic and special audits; hearings; related fees; biennial examinations.
1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.
2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:
(a) Adopt regulations:
(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.
(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.
(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.
(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.
(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:
(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.
(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.
(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:
(1) The Legislative Auditor; or
(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.
(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.
3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.
4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:
(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;
(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;
(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and
(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.
(Added to NRS by 1973, 1538; A 1973, 1669; 1981, 1789; 1983, 1380, 1703; 1987, 1878, 2224; 1993, 497, 1893; 1995, 526; 1999, 3784; 2001, 2467; 2003, 3552; 2003, 20th Special Session, 220; 2007, 955; 2009, 1448)

NRS 645B.092 Records of Commissioner: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action and orders imposing discipline deemed public records; disclosure by Commissioner.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
4. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.
(Added to NRS by 2003, 3468; A 2007, 2147; 2011, 3614)

CHAPTER 645C - APPRAISERS OF REAL ESTATE AND APPRAISAL MANAGEMENT COMPANIES

NRS 645C.220 Records: Maintenance by Division; general provisions governing public inspection and confidentiality.
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.

Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1989, 825; A 1991, 888; 2003, 3470; 2007, 2147)

NRS 645C.225 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a certificate, license or registration card issued pursuant to this chapter.
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.
(Added to NRS by 2003, 3470; A 2007, 1545, 2148)

CHAPTER 645D - INSPECTORS OF STRUCTURES AND ENERGY AUDITORS

NRS 645D.130 Records: Maintenance by Division; general provisions governing public inspection and confidentiality.
1. The Division shall maintain a record of:
(a) Persons from whom it receives applications for a certificate or license;
(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 NRS 239.0115 or unless otherwise ordered by a court, the criminal and financial records of an inspector, energy auditor or of an applicant for a certificate or license.
(Added to NRS by 1997, 1793; A 2003, 3472; 2007, 2148; 2011, 1949)

NRS 645D.135 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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 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 holds a certificate or license issued pursuant to this chapter.
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.
(Added to NRS by 2003, 3471; A 2007, 1546, 2148; 2011, 1950)

CHAPTER 645E - MORTGAGE BANKERS

NRS 645E.300 Duties of Commissioner: Regulations; investigations; annual examinations; periodic and special audits; hearings; related fees; biennial examinations.
1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.
2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:
(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.
(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.
(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.
(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.
(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:
(1) The Legislative Auditor; or
(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.
(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.
3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.
4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:
(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;
(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and
(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.
(Added to NRS by 1999, 3751; A 2003, 3564; 2003, 20th Special Session, 223; 2007, 962)

NRS 645E.375 Records of Commissioner: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure by Commissioner.
1. Except as otherwise provided in this section and NRS 239.0115, 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. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.
(Added to NRS by 2003, 3472; A 2007, 2148; 2011, 3633)

CHAPTER 645G - EXCHANGE FACILITATORS

NRS 645G.510 Confidentiality of certain records of Division; exception.
1. Except as otherwise provided in this section and NRS 239.0115, 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 Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.
(Added to NRS by 2007, 3109)

CHAPTER 645H - ASSET MANAGEMENT COMPANIES AND ASSET MANAGERS

NRS 645H.320 Records: Maintenance by Division; general provisions governing public inspection and confidentiality.
1. The Division shall maintain a record of:
(a) Persons whose applications for registration have been denied;
(b) Formal disciplinary proceedings and any investigations conducted by the Division which result in the initiation of those proceedings; and

(c) Rulings or decisions upon complaints filed with the Division.
2. Except as otherwise provided in this section and NRS 645H.330, 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. Except as otherwise provided in NRS 239.0115, the Division may keep confidential, unless otherwise ordered by a court any criminal and financial records of an asset management company or applicant for a certificate of registration.
(Added to NRS by 2011, 2821)

NRS 645H.330 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 645H.320, a complaint filed with the Division, all documents and other information filed with the Division relating to 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 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 entity, that is investigating a person who holds a certificate of registration or permit issued pursuant to this chapter.
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.
(Added to NRS by 2011, 2822)

CHAPTER 648 - PRIVATE INVESTIGATORS, PRIVATE PATROL OFFICERS, POLYGRAPHIC EXAMINERS, PROCESS SERVERS, REPOSSESSORS AND DOG HANDLERS

NRS 648.033 Maintenance and release of records by Board; confidentiality of certain records of Board; exceptions.
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. Except as otherwise provided in NRS 239.0115, 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 NRS 239.0115, 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.

(Added to NRS by 1985, 1330; A 2005, 802; 2007, 2148)

NRS 648.197 Chronological log; polygraph charts; records; release of results of polygraphic examination.
1. Each examiner or intern shall maintain a chronological log of all polygraphic examinations which he or she administers. The log must include the date of each examination, the name of the person examined, and an identifying case or file number.
2. All polygraphic charts must be identified with the name of the person examined, the date of the examination, an identifying case or file number and the signature or initials of the examiner or intern.
3. The records of a polygraphic examination, including the written consent of the person examined, the questions asked, notes and charts obtained during the examination, must be maintained in a manner which protects their confidentiality by the examiner or intern or his or her employer, for a period of not less than 3 years.
4. Except when ordered to do so by a court of competent jurisdiction, or as otherwise provided by law, a person who possesses the results of a polygraphic examination or information obtained during a polygraphic examination shall not release the results or the information obtained without the written consent of the person examined.
(Added to NRS by 1985, 1332)

CHAPTER 649 - COLLECTION AGENCIES

NRS 649.065 Records: Maintenance by Commissioner; contents; general provisions governing confidentiality and public inspection.
1. The Commissioner shall keep in the Office of the Commissioner, in a suitable record provided for the purpose, all applications for certificates, licenses and all bonds required to be filed under this chapter. The record must state the date of issuance or denial of the license or certificate and the date and nature of any action taken against any of them.
2. All licenses and certificates issued must be sufficiently identified in the record.
3. All renewals must be recorded in the same manner as originals, except that, in addition, the number of the preceding license or certificate issued must be recorded.
4. Except for confidential information contained therein, the record must be open for inspection as a public record in the Office of the Commissioner.
[12:237:1931; 1931 NCL § 1420.11]—(NRS A 1959, 828; 1969, 841; 1983, 1711; 1985, 314, 376; 1987, 1888)

NRS 649.067 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3475; A 2007, 2149)

CHAPTER 652 - MEDICAL LABORATORIES

NRS 652.228 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action and orders imposing discipline deemed public records.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3476; A 2007, 2149)

CHAPTER 654 - ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE

NRS 654.110 Powers and duties of Board; confidentiality of certain records of Board; exceptions.

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 NRS 239.0115, 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.
(Added to NRS by 1969, 669; A 1973, 1287; 1977, 1029; 1985, 1770; 1993, 2141; 2003, 3476; 2005, 803; 2007, 2150)

CHAPTER 656 - CERTIFIED COURT REPORTERS

NRS 656.105 Confidentiality of certain records of Board; exceptions.
1. Except as otherwise provided in this section and NRS 239.0115, 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.
(Added to NRS by 2003, 3477; A 2005, 806; 2007, 2151)

CHAPTER 661 - ORGANIZATIONAL REQUIREMENTS (BANKS AND RELATED ORGANIZATIONS)

NRS 661.115 Maintenance and filing of list of stockholders or members; additional requirements for list of members.
1. On the fourth Monday in January of each year, a copy of the list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.10S or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must be verified by the oath of the president or a manager and must be transmitted to the Commissioner and filed in the Commissioner's office for the confidential use of the Commissioner.
2. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must, in addition to the requirements set forth in that section, include the percentage of each member's interest in the company.
(Added to NRS by 1971, 977; A 1983, 1734; 1987, 1909; 1995, 480; 1997, 983)

CHAPTER 665 - EXAMINATIONS AND REPORTS (BANKS AND RELATED ORGANIZATIONS)

NRS 665.130 Receipt and certification of reports; disclosure of information prohibited; exception. The Commissioner shall receive and place on file in the Commissioner's office all reports required by law and shall certify all reports required to be published. The reports filed with or prepared by the Division of Financial Institutions and other information obtained from a depository institution are not public records and may not be disclosed, except information concerning financial institutions which by specific statute is made generally available to the public.
(Added to NRS by 1985, 2148; A 1987, 1922; 1995, 1552)

NRS 665.133 Disclosure of reports and other information obtained from depository institutions; use of information.
1. The records and information described in NRS 665.130 may be disclosed to:
(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;
(b) The Director of the Department of Business and Industry for the Director's confidential use;
(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;
(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS;
(e) An entity which insures or guarantees deposits;
(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;
(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;
(h) Any person to whom the subject of the report has authorized the disclosure;
(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and
(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.
(Added to NRS by 1985, 2148; A 1987, 1923; 1993, 1895; 1995, 1552; 1997, 993; 2003, 20th Special Session, 225)

CHAPTER 669 - TRUST COMPANIES

NRS 669.275 Commissioner authorized to require audited financial statement; submission of list of stockholders or members.
1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.
2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.
3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.
4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential.
(Added to NRS by 2009, 1952)

NRS 669.285 Confidentiality of records and documents. Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:
1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and
2. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.
(Added to NRS by 2009, 1952)

CHAPTER 669A - FAMILY TRUST COMPANIES

NRS 669A.310 Confidentiality of certain records and documents; authority of Commissioner to use discretion in determining disclosure.
1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:
(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; and
(b) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.
2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to paragraph (b) of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential

information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.
3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.
(Added to NRS by 2009, 1145)

CHAPTER 671 - ISSUERS OF INSTRUMENTS FOR TRANSMISSION OR PAYMENT OF MONEY

NRS 671.170 Investigations and hearings; confidential communications.
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 or herself in a manner which requires the suspension, revocation or denial of renewal of his or her license.
2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by the Commissioner, 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 the licensee's business as the Commissioner deems necessary for the enforcement of this chapter.
4. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1977, 1087; A 1983, 1769; 1987, 1954; 2007, 2151)

CHAPTER 673 - SAVINGS AND LOAN ASSOCIATIONS

NRS 673.430 Annual reports: Filing; form and contents; fees; penalty; regulations.
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, except as otherwise provided in NRS 239.0115, 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.
[Part 21:51:1931; 1931 NCL § 970.20]—(NRS A 1957, 757; 1961, 773; 1963, 470; 1965, 1139; 1967, 979; 1969, 978; 1973, 728; 1977, 499; 1979, 1296; 1983, 1792; 1987, 1975, 2226; 1989, 921; 2003, 3233; 2005, 1878; 2007, 2152)

CHAPTER 675 - INSTALLMENT LOANS

NRS 675.380 Authority of Commissioner to investigate business; free access required.
1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:
(a) Any licensee;
(b) Any other person engaged in the business described in NRS 675.060 or participating in such business as principal, agent, broker or otherwise;
(c) Any registered agent who represents a licensee or any other person engaged in the business described in NRS 675.060; and
(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.
2. For the purpose of examination the Commissioner or his or her authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.
3. The investigation of a registered agent pursuant to subsection 1, including, without limitation, any book, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.
4. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to make loan transactions is presumed to be engaged in the business described in NRS 675.060.
5. This section does not entitle the Commissioner or the authorized representatives of the Commissioner to investigate the business or examine the books, accounts, papers and records of any attorney who is not a person described in paragraph (a), (b) or (d) of subsection 1, other than examination of those books, accounts, papers and records maintained by such attorney in his or her capacity as a registered agent, and then only to the extent such books, accounts, papers and records are not subject to any privilege in NRS 49.035 to 49.115, inclusive.
(Added to NRS by 1959, 236; A 1971, 1371; 1973, 1520; 1983, 1809; 1987, 179, 1990; 2007, 2726; 2009, 1731)

CHAPTER 676A - UNIFORM DEBT-MANAGEMENT SERVICES ACT

NRS 676A.340 Commissioner to make certain information available; certain information confidential.
1. Except as otherwise provided in subsection 2, the Commissioner shall make the information in an application for registration as a provider available to the public.
2. Except as otherwise provided in NRS 239.0115, the information required by subsections 7, 14 and 17 of NRS 676A.320 and the addresses required by subsection 4 of NRS 676A.320 are confidential and not subject to inspection by the general public.
(Added to NRS by 2009, 1975)

NRS 676A.370 Renewal of registration: Application; form; contents; fees; disclosure; denial.
1. A provider must obtain a renewal of its registration annually.

2. An application for renewal of registration as a provider must be in a form prescribed by the Commissioner, signed under oath, and:
(a) Be filed not fewer than 30 days and not more than 60 days before the registration expires;
(b) Be accompanied by the fee established by the Commissioner and the bond required by NRS 676A.390;
(c) Contain the matter required for initial registration as a provider by subsections 8 and 9 of NRS 676A.320 and a financial statement, audited by an accountant licensed to conduct audits, for the applicant's fiscal year immediately preceding the application;
(d) Disclose any changes in the information contained in the applicant's application for registration or its immediately previous application for renewal, as applicable, and if an application is otherwise complete and the applicant has made a timely effort to obtain the information required by subsection 14 of NRS 676A.320 but the information has not been received, the Commissioner may issue a temporary renewal of registration which expires not later than 180 days after issuance;
(e) Supply evidence of insurance in an amount equal to the larger of $250,000 or the highest daily balance in the trust account required by NRS 676A.570 during the 6-month period immediately preceding the application:
(1) Against risks of dishonesty, fraud, theft and other misconduct on the part of the applicant or a director, employee or agent of the applicant;
(2) Issued by an insurance company authorized to do business in this State and rated at least A or equivalent by a nationally recognized rating organization approved by the Commissioner;
(3) With a deductible not exceeding $5,000;
(4) Payable for the benefit of the applicant, this State and the individuals who are residents of this State, as their interests may appear; and
(5) Not subject to cancellation by the applicant or the insurer until 60 days after written notice has been given to the Commissioner;
(f) If the applicant has developed and implemented debt-management plans, disclose:
(1) The total amount of money received by the applicant pursuant to plans during the preceding 12 months from or on behalf of individuals who reside in this State and the total amount of money distributed to creditors of those individuals during that period; and
(2) To the best of the applicant's knowledge, the gross amount of money accumulated during the preceding 12 months pursuant to plans by or on behalf of individuals who reside in this State and with whom the applicant has agreements; and
(g) Provide any other information that the Commissioner reasonably requires to perform the Commissioner's duties under this section.
3. Except as otherwise provided in this subsection, the Commissioner shall make the information in an application for renewal of registration as a provider available to the public. Except as otherwise provided in NRS 239.0115, the information required by subsections 7, 14 and 17 of NRS 676A.320 and the addresses required by subsection 4 of NRS 676A.320 are confidential and not subject to inspection by the general public.
4. If a registered provider files a timely and complete application for renewal of registration, the registration remains effective until the Commissioner, in a record, notifies the applicant of a denial and states the reasons for the denial.
5. If the Commissioner denies an application for renewal of registration as a provider, the applicant, within 30 days after receiving notice of the denial, may appeal and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive. Subject to NRS 676A.750, while the appeal is pending, the applicant must continue to provide debt-management services to individuals with whom it has agreements. If the denial is affirmed, subject to the Commissioner's order and NRS 676A.750, the applicant must continue to provide debt-management services to individuals with whom it has agreements until, with the approval of the Commissioner, it transfers the agreements to another registered provider or returns to the individuals all unexpended money that is under the applicant's control.
(Added to NRS by 2009, 1977)

CHAPTER 677 - THRIFT COMPANIES

NRS 677.243 Records of employees; confidentiality.

1. Each licensee shall maintain a record that includes for each employee:
(a) The employee's full name;
(b) The address of each place at which the employee has resided during the previous 10 years;
(c) The name and address of each employer during the previous 10 years;
(d) A recent photograph of the employee measuring 3 by 5 inches; and

(e) Any alias used by the employee.
2. A licensee may comply with the provisions of subsection 1 by maintaining the employee identification information required pursuant to 26 C.F.R. Part 31.
3. The information contained in the record required pursuant to this section must be provided to the Commissioner upon his or her request, but is otherwise confidential.
(Added to NRS by 1985, 2193; A 1987, 2000; 1997, 1015)

CHAPTER 679B - COMMISSIONER OF INSURANCE

NRS 679B.122 Authority of Commissioner: Cooperative or coordination agreements; confidential documents.
1. In addition to the authority conferred upon him or her pursuant to NRS 679B.120, the Commissioner may:
(a) Enter into and comply with any cooperative or coordination agreement with any governmental entity within or outside this state relating to the regulation and administration of insurance and persons who are materially involved in the business of insurance;
(b) Share any document, material or other information, including any document, material or information that is confidential or privileged, with any state, federal or international regulatory, law enforcement or legislative agency, and the National Association of Insurance Commissioners and any of its affiliates or subsidiaries, if the recipient of the document, material or other information agrees:
(1) To ensure that the document, material or other information remains confidential and privileged; and
(2) To submit to the jurisdiction of the courts of this state if the recipient violates a provision of subparagraph (1); and
(c) Receive any document, material or other information from any agency, association, affiliate or subsidiary specified in paragraph (b). The Commissioner shall ensure that any document, material or information received pursuant to this paragraph remains confidential if the document, material or information is provided to the Commissioner with a notice or the understanding that it is confidential or privileged under the laws of the jurisdiction from which it is submitted.
2. The sharing or receipt of any document, material or other information by the Commissioner pursuant to this section does not waive any applicable privilege or claim of confidentiality in the document, material or other information.
(Added to NRS by 2003, 3275)

NRS 679B.152 Review of fees for medical or dental care determined to be usual and customary; plans limiting selection of dentist.
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. Except as otherwise provided in NRS 239.0115, 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 or her employer or other organization toward the premium or cost of the optional plan over that contributed under the restricted plan.
(Added to NRS by 1983, 2028; A 1985, 1148; 2001, 2181; 2007, 2152)

NRS 679B.159 Report of violation to Commissioner; confidentiality of report.
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. Except as otherwise provided in NRS 239.0115, if a person who submits information pursuant to subsection 1 so requests, the Commissioner shall keep the person's name and the information confidential.

(Added to NRS by 1985, 1063; A 2007, 2153)

NRS 679B.190 Maintenance, inspection and destruction of records; confidentiality and use of documents and other information.

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 the successor in office of the Commissioner.

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. Except as otherwise provided in NRS 239.0115, any records or information in the possession of the Division related to an investigation conducted by the Commissioner is confidential unless:

(a) The Commissioner releases, in the manner that he or she 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 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 the staff of the Commissioner 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 the Commissioner may make a record public or publish all or any part of the record in any manner he or she 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 or her 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.

(Added to NRS by 1971, 1565; A 1983, 1386; 1991, 1617; 1993, 1900; 1995, 1611, 2165, 2698; 1997, 660, 661; 1999, 2783; 2001, 2181; 2007, 2153)

NRS 679B.285 Report of examination: Confidentiality.

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, subsection 4 of NRS 679B.282 and NRS 239.0115. 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.
(Added to NRS by 1995, 1749; A 2007, 2154)

NRS 679B.690 Confidentiality of records and other information related to investigation by Attorney General and Fraud Control Unit.
1. Except as otherwise provided in NRS 239.0115, 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 or she 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 the Attorney General may make a record public or publish all or any part of the record in any manner the Attorney General deems appropriate.
(Added to NRS by 2001, 1093; A 2007, 2154)

CHAPTER 680A - AUTHORIZATION OF INSURERS AND GENERAL REQUIREMENTS

NRS 680A.270 Filing of annual statement by authorized insurers; fee; regulations; confidentiality of certain information.
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. Except as otherwise provided in NRS 239.011S, 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.
(Added to NRS by 1971, 1588; A 1995, 1755; 2003, 3279; 2007, 2155)

CHAPTER 681A - KINDS OF INSURANCE; LIMITS ON RISK; REINSURANCE

NRS 681A.440 Circumstances under which Commissioner is authorized to refuse to issue license.
1. The Commissioner may refuse to issue a license to act as an intermediary if, in the judgment of the Commissioner:
(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 or her refusal to issue a license to act as an intermediary. Except as otherwise provided in NRS 239.011S, the summary is confidential.
(Added to NRS by 1995, 1761; A 2007, 2156)

CHAPTER 681B - ASSETS AND LIABILITIES (INSURANCE)

NRS 681B.260 Opinion of qualified actuary: Confidentiality of material provided by insurer to Commissioner.
1. Except as otherwise provided in this section and NRS 239.011S, 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.
(Added to NRS by 1995, 1769; A 2007, 2156)

NRS 681B.280 Insurers to report material acquisition or disposition of assets; regulations. 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. Except as otherwise provided in NRS 239.0115, such a report is confidential and is not subject to subpoena.
(Added to NRS by 1995, 1770; A 2007, 2157)

CHAPTER 683A - PERSONS INVOLVED IN SALE OR ADMINISTRATION OF INSURANCE

NRS 683A.0873 Records of administrator: Retention; examination by Commissioner and insurer.
1. Each administrator shall maintain at his or her principal office adequate books and records of all transactions between the administrator, 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 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 NRS 239.0115 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.
(Added to NRS by 1977, 730; A 1983, 462; 1999, 2795; 2007, 2157)

CHAPTER 685A - NONADMITTED INSURANCE

NRS 685A.077 Immunity from civil liability given to Commissioner, Division and nonprofit organizations for certain acts; Commissioner authorized to classify certain communications as confidential; limitations.
1. The Commissioner, the Division and employees of the Division, and any nonprofit organization of surplus lines brokers formed pursuant to NRS 685A.075 and its members, officers, committee members, agents and employees are not liable in a civil action for any act performed in good faith and within the scope of their duties or the exercise of their authority pursuant to this chapter.
2. The Commissioner may, pursuant to NRS 679B.190, classify as confidential:
(a) Any investigation conducted by a nonprofit organization of surplus lines brokers formed pursuant to NRS 685A.075; and
(b) Any communications between such an organization and the Commissioner and other appropriate authorities pursuant to this chapter.
3. The immunities and privileges provided by this section do not affect:
(a) The availability of any other immunities or privileges otherwise provided by law; or
(b) Any rights of hearing and review otherwise provided in this chapter.
(Added to NRS by 1997, 3028)

CHAPTER 686A - TRADE PRACTICES AND FRAUDS; FINANCING OF PREMIUMS

NRS 686A.289 Provision to insurer of information concerning fraud upon completion of investigation or prosecution; confidentiality of information.

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 NRS 239.0115;

(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.

(Added to NRS by 1983, 1388; A 2001, 1097; 2007, 2157)

CHAPTER 686B - RATES AND ESSENTIAL INSURANCE

NRS 686B.170 Examination of service organizations.

1. Whenever the Commissioner deems it necessary in order to inform himself or herself about any matter related to the enforcement of the insurance laws, the Commissioner may examine the affairs and condition of any rate service organization under subsection 1 of NRS 686B.130. So far as reasonably necessary for an examination pursuant to this subsection, the Commissioner may examine the accounts, records, documents or evidences of transactions, so far as they relate to the examinee, of any officer, manager, general agent, employee, person who has executive authority over or is in charge of any segment of the examinee's affairs, person controlling or having a contract under which the person has the right to control the examinee whether exclusively or with others, person who is under the control of the examinee, or any person who is under the control of a person who controls or has a right to control the examinee whether exclusively or with others. On demand every examinee under this subsection shall make available to the Commissioner for examination any of its own accounts, records, documents or evidences of transactions and any of those of the persons listed in this subsection.

2. The Commissioner shall examine every licensed rate service organization at intervals to be established by rule.

3. In lieu of all or part of an examination conducted pursuant to subsections 1 and 2, or in addition to it, the Commissioner may order an independent audit by certified public accountants or actuarial evaluation by actuaries approved by the Commissioner of any person subject to the examination requirement. Any accountant or actuary selected is subject to rules respecting conflicts of interest promulgated by the Commissioner. Any audit or evaluation conducted pursuant to this subsection is subject to subsections 6 to 15, inclusive, so far as appropriate.

4. In lieu of all or part of an examination conducted pursuant to this section, the Commissioner may accept the report of an audit already made by certified public accountants or actuarial evaluation by actuaries approved by the Commissioner, or the report of an examination made by the insurance department of another state.

5. An examination may cover comprehensively all aspects of the examinee's affairs and condition. The Commissioner shall determine the exact nature and scope of each examination, and in doing so shall take into account all relevant factors, including but not limited to the length of time the examinee has been operating, the length of time the examinee has been licensed in this state, the nature of the services provided, the nature of the accounting records available and the nature of examinations performed elsewhere.

6. For each examination conducted pursuant to this section, the Commissioner shall issue an order stating the scope of the examination and designating the examiner in charge. Upon demand a copy of the order must be exhibited to the examinee.

7. Any examiner authorized by the Commissioner shall, so far as necessary to the purposes of the examination, have access at all reasonable hours to the premises and to any books, records, files, securities, documents or property of the examinee and to those of persons listed in subsection 1 so far as they relate to the affairs of the examinee.

8. The officer, employees and agents of the examinee and of persons listed in subsection 1 shall comply with every reasonable request of the examiners for assistance in any matter relating to the examination. A person shall not obstruct or interfere with the examination in any way other than by legal process.

9. If the Commissioner finds the accounts or records to be inadequate for proper examination of the condition and affairs of the examinee or improperly kept or posted, the Commissioner may employ experts to rewrite, post or balance them at the expense of the examinee.

10. The examiner in charge of an examination shall make a proposed report of the examination which must include such information and analysis as is ordered in subsection 6, together with the examiner's recommendations. Preparation of the proposed report may include conferences with the examinee or the representatives of the examinee at the option of the examiner in charge. The proposed report is confidential until filed in accordance with subsection 11.
11. The Commissioner shall serve a copy of the proposed report upon the examinee. Within 20 days after service, the examinee may serve upon the Commissioner a written demand for a hearing on the contents of the report. If a hearing is demanded, the Commissioner shall give notice and hold a hearing pursuant to NRS 679B.310 to 679B.370, inclusive, except that on demand by the examinee the hearing must be private. Within 60 days after the hearing or if no hearing is demanded then within 60 days after the last day on which the examinee might have demanded a hearing, the Commissioner shall adopt the report with any necessary modifications and file it for public inspection, or the Commissioner shall order a new examination.
12. The Commissioner shall forward a copy of the examination report to the examinee immediately upon adoption, except that if the proposed report is adopted without change, the Commissioner need only so notify the examinee.
13. The examinee shall forthwith furnish copies of the adopted report to each member of its board of directors or other governing board.
14. The Commissioner may furnish, without cost or at a price to be determined by the Commissioner, a copy of the adopted report to the insurance commissioner of each state in the United States and of each foreign jurisdiction in which the examinee is licensed and to any other interested person in this state or elsewhere.
15. In any proceeding by or against the examinee or any officer or agent thereof the examination report as adopted by the Commissioner is admissible as evidence of the facts stated therein. In any proceeding by or against the examinee, the facts asserted in any report properly admitted in evidence are presumed to be true in the absence of contrary evidence.
16. The reasonable costs of an examination conducted pursuant to this section must be paid by the examinee except as otherwise provided in subsection 19. These costs include the salary and expenses of each examiner and any other expenses which are directly apportioned to the examination.
17. The amount payable pursuant to subsection 16 is due 10 days after the examinee has been served a detailed account of the costs.
18. The Commissioner may require any examinee, before or from time to time during an examination to deposit with the State Treasurer such deposits as the Commissioner deems necessary to pay the costs of the examination. Any deposit and any payment made pursuant to subsections 16 and 17 must be deposited in the Insurance Examination Account.
19. On the examinee's request or on the motion of the Commissioner, the Commissioner may pay all or part of the costs of an examination whenever the Commissioner finds that, because of the frequency of examinations or other factors, imposition of the costs would place an unreasonable burden on the examinee. The Commissioner shall include in his or her annual report information about any instance in which the Commissioner applied this subsection.
20. Deposits and payments made pursuant to subsections 16 to 19, inclusive, shall not be deemed to be a tax or license fee within the meaning of any statute. If any other state charges a per diem fee for examination of examinees domiciled in this state, any examinee domiciled in that other state shall pay the same fee when examined by the Commissioner of Insurance of this state.
(Added to NRS by 1971, 1704; A 1977, 811; 1991, 1820)

CHAPTER 686C - NEVADA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

NRS 686C.306 Notice of certain actions by Commissioner; reports by Commissioner of certain information to Board of Directors.

1. The Commissioner shall notify the commissioners of insurance of all the other states within 30 days after the Commissioner takes any of the following actions against a member insurer:
(a) Revokes a member insurer's license;
(b) Suspends a member insurer's license; or
(c) Makes any formal order that a member insurer is to restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of the owners of its policies or its creditors.

2. The Commissioner shall report to the Board of Directors when the Commissioner has taken any of the actions set forth in subsection 1, or has received a report from any other commissioner indicating that any such action has been taken in another state. The report to the Board must contain all significant details of the action taken or the report received from another commissioner.
3. The Commissioner shall report to the Board of Directors when the Commissioner has reasonable cause to believe from an examination of a member insurer, whether completed or in process, that the insurer may be impaired or insolvent.
4. The Commissioner shall furnish to the Board the ratios of the "Insurance Regulatory Information System" developed by the National Association of Insurance Commissioners and listings of companies not included in those ratios, and the Board may use the information contained therein in carrying out its duties and responsibilities under this chapter. Such reports and the information contained therein must be kept confidential by the Board until such time as made public by the Commissioner or other lawful authority.
(Added to NRS by 1991, 867; A 2001, 1045)

CHAPTER 687A - INSURANCE GUARANTY ASSOCIATION

NRS 687A.110 Detection and prevention of insolvency: Powers and duties of Board of Directors. To aid in the detection and prevention of insurer insolvencies:
1. The Board of Directors shall, upon majority vote, notify the Commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.
2. The Board of Directors may, upon majority vote, request that the Commissioner order an examination of any member insurer which the Board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within 30 days of the receipt of such request, the Commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners' examination or may be conducted by such persons as the Commissioner designates. The cost of such examination shall be paid by the Association and the examination report shall be treated as are other examination reports. Except as permitted by paragraph (c) of subsection 1 of NRS 687A.115, the Commissioner shall not release an examination report to the Board of Directors prior to its release to the public. The Commissioner shall notify the Board of Directors when the examination is completed. The request for an examination shall be kept on file by the Commissioner, but it shall not be open to public inspection prior to the release of the examination report to the public.
3. The Board of Directors may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations are not public documents.
4. The Board of Directors may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.
5. The Board of Directors shall, at the conclusion of any insurer insolvency in which the Association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the Association, and submit such report to the Commissioner.
(Added to NRS by 1971, 1948; A 1977, 437)

NRS 687A.115 Detection and prevention of insolvency: Powers of Commissioner. 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 the Commissioner revokes or suspends a license, or when the Commissioner

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 or the report received.
(c) Report to the Board of Directors when the Commissioner 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. Except as otherwise provided in NRS 239.0115, 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 the duties and responsibilities of the Commissioner relating to the financial condition of member insurers and of insurers seeking admission to transact business in this State.
(Added to NRS by 1977, 433; A 2007, 2157)

CHAPTER 687C - INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

NRS 687C.010 Enactment and text of Compact. The Interstate Insurance Product Regulation Compact, set forth in this section, is hereby enacted into law and entered into with all jurisdictions substantially as follows: **(Note: the first section of this compact, NRS 687C.010, contains 16 articles.)**

CHAPTER 688C - VIATICAL SETTLEMENTS

NRS 688C.230 Filing of annual statement; confidentiality of information; disclosure of identity of insured.
1. Each licensee under this chapter shall file with the Commissioner on or before March 1 of each year an annual statement containing such information as the Commissioner prescribes by regulation. Pursuant to subsection 7 of NRS 679B.190, the Commissioner shall classify as confidential any information received pursuant to this subsection that is:
(a) Data of individual transactions in the business of viatical settlements; or
(b) Data that could compromise the privacy of personal, financial or health information of a viator or insured.
2. Except as allowed or required by a statute other than this chapter, a provider or broker of viatical settlements, an investment agent, an insurer, a producer of insurance, an information bureau, a rating agency or any other person knowing the identity of an insured shall not disclose that identity as an insured to any other person unless the disclosure is:
(a) Necessary to effect a viatical settlement between the viator and a provider of viatical settlements and the viator and the insured have given prior written consent to the disclosure;
(b) Necessary to effect an agreement for the purchase of a viatical settlement between the purchaser and a provider of viatical settlements, and the viator and the insured have given prior written consent to the disclosure;
(c) Furnished in response to an investigation or examination by the Commissioner or another governmental officer or agency;
(d) A term of or condition to the transfer of a policy by one provider of viatical settlements to another provider; or
(e) Necessary to permit a financing agent to finance the purchase of a policy by a provider of viatical settlements and the insured has given prior written consent to the disclosure.
(Added to NRS by 2001, 2170; A 2009, 1795)

NRS 688C.480 Confidentiality and disclosure of certain documents and information regarding felonious acts.
1. Except as otherwise provided in NRS 239.0115, 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 the Commissioner;
(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.
(Added to NRS by 2001, 2178; A 2007, 2158)

NRS 688C.490 Establishment, maintenance and modification by licensees of certain protective measures against fraud; confidentiality of plan submitted to Commissioner.
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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2001, 2178; A 2007, 2158)

CHAPTER 692A - TITLE INSURANCE

NRS 692A.117 Confidential records.
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. Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 1985, 1825; A 1991, 1633; 1993, 1921; 2007, 2159)

CHAPTER 692C - HOLDING COMPANIES

NRS 692C.190 Acquisition or merger: Contents of statement. The statement to be filed with the Commissioner hereunder shall be made under oath or affirmation and shall contain the following:

1. The name and address of each person (hereinafter called the "acquiring party") by whom or on whose behalf the merger or other acquisition of control referred to in NRS 692C.180 is to be effected and, if such person is:

(a) An individual, the individual's principal occupation and all offices and positions held by the individual during the past 5 years, and any conviction of crimes other than for minor traffic violations during the past 10 years.

(b) Not an individual, a report of the nature of its business operations during the past 5 years or for such lesser period as such person and any predecessors thereof shall have been in existence, together with an informative description of the business intended to be done by such person and such person's subsidiaries, and a list of all individuals who are or who have been selected to become directors or executive officers of such person or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph (a) of this subsection.

2. The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, but where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

3. Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding 5 fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

4. Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

5. The number of shares of any security referred to in NRS 692C.180 which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement or acquisition referred to in NRS 692C.180 and a statement as to the method by which the fairness of the proposal was determined.

6. The amount of each class of any security referred to in NRS 692C.180 which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

7. A full description of any contracts, arrangements or understandings with respect to any security referred to in NRS 692C.180 in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been made.

8. A description of the purchase of any security referred to in NRS 692C.180 during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid therefor.

9. A description of any recommendations to purchase any security referred to in NRS 692C.180 made during the 12 calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews with or at the suggestion of such acquiring party.

10. Copies of all tenders, offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection 1, and, if distributed, additional soliciting material relating thereto.

11. The terms of any agreement, contract or understanding made with any broker-dealer, as to solicitation of securities referred to in NRS 692C.180, for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

12. Such additional information as the Commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policy holders and security holders of the insurer or for the protection of the public interest.

➥ If the person required to file the statement referred to in this section is a partnership, limited partnership, syndicate or other group, the Commissioner may require that the information required by subsections 1 to 12, inclusive, of this section, be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in NRS 692C.180 is a corporation, the Commissioner may require that the information required by subsections 1 to 12, inclusive, of this section, be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding voting securities of such

corporation. If any material change occurs in the facts set forth in the statement filed with the Commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commissioner and sent to such insurer within 2 business days after the person learns of such change. Such insurer shall send each such amendment to its shareholders.
(Added to NRS by 1973, 1040)

NRS 692C.420 Confidentiality of disclosed information; exception.
1. Except as otherwise provided in NRS 239.0115, 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 or she may publish all or any part thereof in any manner as he or she 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.
(Added to NRS by 1973, 1048; A 2003, 3329; 2007, 2159)

CHAPTER 693A - CORPORATE POWERS AND PROCEDURES OF DOMESTIC STOCK AND MUTUAL INSURERS

NRS 693A.480 Confidentiality and publication of pertinent information and documents.
1. Except as otherwise provided in subsection 2 and NRS 239.0115, 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 the Commissioner determines appropriate.
(Added to NRS by 2001, 2237; A 2007, 2160)

NRS 693A.615 Confidentiality and publication of pertinent information and documents.
1. Except as otherwise provided in subsection 2 and NRS 239.0115, 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 the Commissioner determines appropriate.
(Added to NRS by 2001, 2244; A 2007, 2160)

CHAPTER 696B - DELINQUENT INSURERS: CONSERVATION, REHABILITATION AND LIQUIDATION

NRS 696B.550 Summary proceedings: Conduct of administrative and judicial hearings.
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 NRS 239.0115 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 the clerk of the court 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.
(Added to NRS by 1971, 1904; A 1991, 1635; 1993, 1924; 2007, 2160)

CHAPTER 703 - PUBLIC UTILITIES COMMISSION OF NEVADA

NRS 703.196 Disclosure and confidentiality of records and other property of public utilities and certain entities.
1. Any books, accounts, records, minutes, papers and property of any public utility, alternative seller, provider of discretionary natural gas service or provider of new electric resources that are subject to examination pursuant to NRS 703.190 or 703.195 and are made available to the Commission, any officer or employee of the Commission, an affected governmental entity, any officer or employee of an affected governmental entity, the Bureau of Consumer Protection in the Office of the Attorney General or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the Commission first determines that the disclosure is justified.
2. The Commission shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:
(a) Granting such protective orders as it deems necessary; and
(b) Holding closed hearings to receive or examine such information.
3. If the Commission closes a hearing to receive or examine such information, it shall:
(a) Restrict access to the records and transcripts of such hearings without the prior approval of the Commission or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and
(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the Commission.
4. A representative of the Regulatory Operations Staff of the Commission and the Bureau of Consumer Protection:
(a) May attend any closed hearing held pursuant to this section; and
(b) Have access to any records or other information determined to be confidential pursuant to this section.

5. The Commission shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the Commission determines the information may be disclosed, the information must become a part of the records available to the public. Information which the Commission determines may not be disclosed must be kept under seal.
(Added to NRS by 1995, 385; A 1997, 1884; 2001, 3239; 2003, 3027)

CHAPTER 704B - PROVIDERS OF NEW ELECTRIC RESOURCES

NRS 704B.320 Conditions and limitations for certain proposed transactions; requirements for certain eligible customers; limited disclosure of certain information; duties of Commission; compliance with portfolio standard.

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, the staff of the Consumer's Advocate and the electric utility for the purposes of carrying out the provisions of this section; and

(b) Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2001, 3228; A 2003, 1263, 1877; 2005, 22nd Special Session, 86; 2007, 2161; 2009, 1001)

NRS 704B.325 Purchase of energy, capacity or ancillary services from alternative provider after approval of original transaction: Rights and obligations of eligible customers; expedited review by Commission; limited disclosure of certain information.
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, the staff of the Consumer's Advocate and the affected electric utility for the purposes of carrying out the provisions of this section; and
(b) Except as otherwise provided in NRS 239.0115, 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.
(Added to NRS by 2003, 1260; A 2007, 2162)

CHAPTER 706 - MOTOR CARRIERS

NRS 706.1725 Disclosure of records subject to examination: Requirements; conditions.
1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to NRS 706.1518 and 706.172, and are made available to the Authority, any officer or employee of the Authority, or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the Authority first determines that the disclosure is justified.
2. The Authority shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:
(a) Granting such protective orders as it deems necessary; and
(b) Holding closed hearings to receive or examine such information.
3. If the Authority closes a hearing to receive or examine such information, it shall:
(a) Restrict access to the records and transcripts of such hearings without the prior approval of the Authority or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and
(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the Authority.
4. The Authority shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the Authority determines the information may be disclosed, the information must become a part of the records available to the public. Information that the Authority determines may not be disclosed must be kept under seal.
(Added to NRS by 1997, 1926)

CHAPTER 710 - UTILITIES OWNED BY LOCAL GOVERNMENTS**NRS 710.159 Sale or lease of system: Appraisal of value of system; confidentiality of appraisal; notice of sale or lease; negotiations; conditions for accepting offers; power to reject offers.**
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. Except as otherwise provided in NRS

239.0115, 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.
(Added to NRS by 1963, 543; A 1993, 1094; 2005, 291; 2007, 2163)

CHAPTER 711 - VIDEO SERVICE

NRS 711.600 Reports regarding construction of facilities and service locations; confidentiality of reports.
1. If a video service provider that is not an incumbent cable operator within the jurisdiction of a local government intends to construct facilities within the jurisdiction of the local government pursuant to a certificate of authority, the video service provider shall, until it has constructed all the facilities intended for the jurisdiction of the local government, prepare and submit to the local government a semiannual report which describes the number of service locations within the jurisdiction of the local government that are capable of receiving video service from the video service provider.
2. The video service provider shall submit the report to the local government not later than 10 business days after the last day of the second and fourth calendar quarters of each year.
3. The information contained in a report that is submitted to a local government pursuant to this section:
(a) Is confidential proprietary information of the video service provider;
(b) Is not a public record; and
(c) Must not be disclosed to any person who is not an officer or employee of the local government unless the video service provider consents to the disclosure or the disclosure is made pursuant to subsection 4.
4. Upon request from the Director of the Legislative Counsel Bureau, a local government shall disclose the information contained in a report that is submitted to the local government pursuant to this section to the Director for confidential use by the Legislature and the Legislative Counsel Bureau. The information that is disclosed to the Director:
(a) Is confidential proprietary information of the video service provider;
(b) Is not a public record; and
(c) Must not be disclosed to any person who is not an officer or employee of the Legislature or the Legislative Counsel Bureau unless the video service provider consents to the disclosure.
(Added to NRS by 2007, 1360)

CHAPTER 478, Statutes of Nevada 2011

AN ACT relating to local government financial administration; revising provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; authorizing certain modifications after a local improvement project has begun and assessments have been levied; requiring the Regional Transportation Commission of Southern Nevada to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project; authorizing the Commission to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain the demonstration project; authorizing the issuance of certain bonds or notes of the Commission to finance the Project; and providing other matters properly relating thereto.

Sec. 35. 1. The Commission may enter into a public-private partnership with one or more private partners for planning, designing, financing, constructing, improving, maintaining, operating or acquiring

rights-of-way for the demonstration project. A public-private partnership entered into pursuant to this section may include, without limitation, a concession and must be awarded through one or more solicitations that must include, without limitation, some or all of the requests for qualifications, short-listing of qualified proposers, requests for proposals, negotiations and best and final offers.

2. For any solicitation in which the Commission issues a request for qualifications, request for proposals or similar solicitation for a public-private partnership, the Commission may determine which factors it will consider and, except as otherwise provided in subsection 5, the relative weight of those factors in the evaluation process for the demonstration project to obtain the best value for the Commission.

3. Each request for proposals issued for the demonstration project must require each person submitting a proposal to include with the proposal an executive summary. The executive summary must address the major elements of the proposal but must not include the financial terms of the proposal, the financing plan or other confidential or proprietary information or trade secrets that the person submitting the proposal intends to be exempt from disclosure.

4. The executive summary for each proposal must be released to the public by the Commission.

5. After evaluation of the proposals submitted in response to a request for proposals, the Commission may enter into negotiations with the applicant whose proposal appeared to have the best value to enter into a public-private partnership. In determining the best value, the Commission shall assign a relative weight of 5 percent to an applicant who submits to the Commission a signed affidavit which certifies that, for the planning, design, construction, improvement, maintenance and operation of the demonstration project:

(a) At least 65 percent of all workers employed on the demonstration project, including, without limitation, any employees of the applicant, contractor and any subcontractors engaged in the demonstration project will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the demonstration project will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 65 percent of the design professionals working on the demonstration project, including, without limitation, any employees of the applicant, contractor and any subcontractor engaged on the demonstration project, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the demonstration project will be located in this State unless the Commission requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

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↓2011 Statutes of Nevada, Page 2923 (Chapter 478, SB 506)↓

(e) The applicant, contractor and any subcontractor engaged on the demonstration project will maintain and make available for inspection within this State his or her records concerning payroll relating to the demonstration project.

6. If the Commission is unable to negotiate a public-private partnership with the applicant whose proposal appeared to have the best value, upon such terms and conditions that the Commission determines to be in the best interest of the public, the Commission may suspend or terminate negotiations with that applicant. The Commission may then undertake negotiations with the next highest-ranked applicant in sequence until a public-private partnership is entered into or a determination is made by the Commission to reject all applicants that submitted proposals.

7. After the award and execution of the public-private partnership, the Commission shall make available to the applicants and the public the results of the evaluations of proposals and the final rankings of the applicants.
8. Notwithstanding any other law to the contrary, to maximize competition and to obtain the best value for the public, no part of a proposal other than the executive summary may be released or disclosed by the Commission before the award and execution of the public-private partnership and the conclusion of any specified period to protest or otherwise challenge the award, except pursuant to an administrative or judicial order requiring release or disclosure of any part of the proposal.

Sec. 38. Information obtained by or disclosed to the Commission during the procurement or negotiation of a public-private partnership may be kept confidential until the public-private partnership is executed, except that the Commission may exempt from release any proprietary information obtained by or disclosed to the Commission during the procurement or negotiation.

Sec. 41. 1. If the Commission enters into a public-private partnership pursuant to this act, the Commission:
(a) Shall adopt, establish or include in the public-private partnership a schedule of user fees or a methodology for establishing the user fees that may be charged by the Commission or a private partner for the use of the demonstration project, which may include, without limitation, provisions for adjusting the user fees based on the types of motor vehicle, time of day, traffic conditions or other factors determined necessary by the Commission or a private partner to implement, finance or improve the performance of the demonstration project. A schedule of user fees or methodology for establishing user fees to be included in the public-private partnership must be adopted or established by the Commission at a public hearing held in compliance with chapter 241 of NRS.
(b) Shall, consistent with the provisions of section 42 of this act, establish or provide in the public-private partnership for the establishment of administrative fines, late charges and other penalties for any person who violates any regulation or rule governing the use of the demonstration project or who fails to pay a user fee.
(c) In addition to the exemptions provided in subsection 2, may establish or provide in the public-private partnership for exemptions from the payment of a user fee.
(d) Shall adopt a plan for measuring the performance of the private partner subject to the approval of the Department of Transportation, and, in the event of any unexcused failure by the private partner to meet such performance measurements, provide for the rights and remedies of the Commission.
2. The following motor vehicles are exempt from any user fee established by the Commission:
(a) A vehicle owned or operated by this State or any of its political subdivisions.
(b) A transit bus or vanpool vehicle owned or operated by an agency of the United States, to the extent that such vehicles are exempted pursuant to an agreement between the agency or political subdivision and the Commission or a private partner.
(c) An authorized emergency vehicle if the person operating it is:
(1) Responding to an emergency and its emergency lights are in use; or
(2) Enforcing traffic laws.
(d) A vehicle used to provide maintenance of the demonstration project.
(e) A vehicle that is exempt pursuant to the terms of a public-private partnership.

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↓2011 Statutes of Nevada, Page 2928 (Chapter 478, SB 506)↓

3. Not less frequently than once each calendar year, the Commission shall review any fee schedule established pursuant to this section and any adjustments to the fee schedule made by the Commission or a private partner to determine whether the user fees effectively manage travel times, speed and

reliability with regard to the demonstration project. The Commission shall review and, if applicable, make any necessary adjustments at a public hearing held in compliance with chapter 241 of NRS.

4. The Commission or a private partner may use any method it determines appropriate to collect a user fee, including, without limitation, the issuance of invoices, prepayment requirements and the use of an electronic, video or automated collection system. An electronic, video or automated collection system may be used to verify payment or to charge the user fee to the:

(a) Account of a person whose vehicle is equipped with a transponder approved by the Commission or other automated payment technology approved by the Commission;

(b) Account of a person who otherwise registers to use the demonstration project in accordance with the policies and procedures established by the Commission or set forth in the public-private partnership; or

(c) Registered owner.

5. The name, address, other personal identifying information and trip data of a user is confidential, and the Commission, a private partner, consultant, contractor or representative thereof shall not release, sell or distribute such information without the express written consent of the user, except that the Commission or a private partner may release such information:

(a) As is necessary to collect a user fee and enforce any penalty for a violation of this act or any policies and procedures established pursuant thereto or set forth in the public-private partnership; and

(b) To a law enforcement agency pursuant to a subpoena.

6. The Commission or a private partner may solicit and contract with any person to provide services relating to the collection of a user fee.

7. The Commission shall establish a privacy policy regarding the collection and use of personal identifying information pursuant to this section. The policy must include, without limitation, provisions requiring that:

(a) Except as otherwise provided in paragraph (b), any personal identifying information used to collect and enforce user fees be destroyed not later than 30 days after the person has paid the user fee and any administrative fines, late fees or other penalties and charges imposed;

(b) Any personal identifying information collected for the establishment of an account for the use of an automated collection system be:

(1) Stored longer than 30 days only if the information is required to perform account functions, including, without limitation, billing and other activities directly related to the use of the account; and

(2) Destroyed within 30 days after receiving written notice that the person who established the account wants to close the account; and

(c) Each person establishing an account for use in an automated collection system be provided a copy, in a clear and conspicuous manner, of the privacy policy required by this subsection and all other applicable privacy laws.

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
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Carson City, Nevada 89701-4717

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GREGORY M. SMITH
Chief of Staff

January 29, 2013

The Honorable Teresa Benitez-Thompson, Chair
Assembly Committee on Government Affairs
Nevada State Assembly, Room #4115
401 S. Carson Street
Carson City, NV 89701-4747

Re: AB 31

Dear Ms. Thompson:

The Office of the Attorney General requests your support for AB 31. This bill proposes changes to NRS Chapter 239, the Nevada Public Records Law. The intent of this legislation is to provide procedures for members of the public seeking access to records and for agencies to respond to public records requests in a timely, consistent and efficient manner.

Section 1 requires the head of each agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government to designate one or more employees to act as a records manager for the agency, who will be responsible for handling requests for public records of that agency.

Section 1 also requires the Attorney General's office to prescribe by regulation 1) the form to be used for requesting a public record from an agency; 2) the form to be used by an agency to respond to such a request; and 3) the procedures to be followed by records managers to respond to such requests. Section 1 further requires that each agency must make the forms and procedures available on the agency's website to promote public access.

Section 3 codifies within NRS 390.010 a list of all existing statutory exceptions to the public records act so that it is clearly set forth which public records have been declared by the Legislature to be confidential. Section 3 also codifies the common law balancing test previously set forth by the Nevada Supreme Court by which

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Assembly Committee: Government Affairs
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Submitted by: Keith Munro

governmental entities determine whether to disclose certain books and records of the entity.

Section 4 codifies the requirements previously set forth by the Nevada Supreme court as to what specific information an agency must provide when denying a request.

Thank you for your consideration of this bill. If you have any questions, please do not hesitate to contact me at 688-1966 or bkandt@ag.nv.gov.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By: _____
BRETT KANDT
Special Deputy Attorney General

BK:MAS
Encl.
Cc: Assembly Committee on Government Affairs

PROPOSED AMENDMENTS TO AB 31

Contact information:
Brett Kandt
Special Deputy Attorney General
688-1966 or bkandt@ag.ag.gov
100 N. Carson Street
Carson City, NV 89701

PROPOSE TO AMEND BILL AS FOLLOWS:

Amendment #1:

Amend the bill by amending **Section 1**, page 2, lines 3-14, to read as follows:

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records [~~manager~~] official for the agency.
2. A records [~~manager~~] official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect or copy a public book or record of the agency.
3. The Attorney General and the State Library and Archives Administrator, in conformance with NRS 378.255, shall prescribe:
(a) The form for a request by a person to inspect or copy a public book or record of an agency of the Executive Department pursuant to NRS 239.0107;

Purpose of amendment: The State Library and Archives Administrator is responsible for adopting regulations for the management and retention of records pursuant to NRS 378.255. Existing proposed regulations require every agency to designate a "records officer." The regulations prescribing the procedures and forms for responding to public records requests should conform to any regulations for the management and retention of records adopted pursuant to NRS 378.255.

Amendment #2:

Amend the bill by amending **Section 3**, page 5, by deleting the proposed subsection 2 in lines 32-37 as follows:

2. ***[~~A governmental entity may withhold a public book or record of the governmental entity if, on the facts of the particular case, the public interest served by nondisclosure of the public book or record clearly outweighs the public interest served by disclosure of the public book or record.~~***
[~~3.~~] A governmental entity may not reject a book or record

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Submitted by: Keith Munro

Purpose of amendment: This language is already set forth in existing precedent of the Nevada Supreme Court. The Office of the Attorney General will continue to advise State Executive Branch officers and agencies in conformance with the Nevada Supreme Court's holdings, regardless of whether those holdings are codified in statute.

Amendment #3:

Amend the bill by deleting **Section 4** in its entirety and making no amendments to existing NRS 239.0107.

Purpose of amendment: This language is already set forth in existing precedent of the Nevada Supreme Court. The Office of the Attorney General will continue to advise State Executive Branch officers and agencies in conformance with the Nevada Supreme Court's holdings, regardless of whether those holdings are codified in statute.

PROPOSED AMENDMENTS TO AB 31

Contact information:
Brett Kandt
Special Deputy Attorney General
688-1966 or bkandt@ag.ag.gov
100 N. Carson Street
Carson City, NV 89701

PROPOSE TO AMEND BILL AS FOLLOWS:

Amendment #4:

Amend the bill by amending **Section 3**, page 4, line3, through page 5, line 19 by adding the following citations thereto:

NRS 1A.110; NRS 286.110; NRS 287.0438

Purpose of amendment: While section three of the bill sets forth, without limitation, statutory provisions that prohibit the disclosure of or specifically declare public books and records confidential, NRS 1A.110 (Judicial Retirement Act), NRS 286.110 (Public Employees Retirement System) and NRS 287.0438 (Public Employees Benefits Program) are appropriate for inclusion as each statute expressly exempts member records from disclosure as public records.

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Submitted by: Keith Munro

Assembly Bill No. 31

NRS:	Type of record:
1.4683	Judges: Proceedings concerning disciplinary action or removal from office, and information and materials relating thereto
62D.420	Juveniles: Records relating to custody of child or involvement of child with agency which provides child welfare services
62D.440	Juveniles: Personal information pertaining to a victim, and his or her parent or guardian, of an act committed by a child
62E.516	Juveniles: Information obtained from a screening to determine whether a child is in need of mental health services or is an abuser of alcohol or drugs
62E.620	Juveniles: Information relating to the evaluation or treatment of a child who committed certain acts involving alcohol or controlled substance
62H.220	Juveniles: Information containing the name of a child adjudicated delinquent for committing a sexual offense and all information relating to programs of treatment in which the child participated
62H.320	Juveniles: Statistical data concerning juvenile sex offenders
76.160	State business licenses: Records and files of the Secretary of State
78.152	Private corporations: The name and contact information of the custodian of the list of the owners of records
80.113	Foreign corporations: The name and contact information of the custodian of the list of the owners of records
81.850	Unincorporated nonprofit associations: Records maintained by an association regarding its activities, financial condition and other circumstances
82.183	Nonprofit corporations: The name and contact information of the custodian of the members' ledger or duplicate members' ledger
86.246	Limited-liability companies: The name and contact information of the custodian of the list of the full name and last known business address of each member and manager
86.54615	Limited-liability companies: The name and contact information of the custodian of the list of the full name and last known business address of each member and manager
87.515	Registered limited-liability partnerships: The name and contact information of the custodian of the list of the full name and last known business address of the managing partners
87.5413	Foreign registered limited-liability partnerships: The name and contact information of the custodian of the list of the full name and last known business address of the managing partners
87A.200	Limited partnerships: The name and contact information of the custodian of the list of the full name and last known street and mailing address of each partner
87A.580	Foreign limited partnerships: The name and contact information of the custodian of the list of the general partners
87A.640	Registered limited-liability limited partnerships: The name and contact information of the custodian of the list of the general partners
88.3355	Limited partnerships: The name and contact information of the custodian of the list of the full name and last known business address of each partner

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Submitted by: Assemblyman Elliot Anderson

88.5927	Foreign limited partnerships: The name and contact information of the custodian of the list of the general partners
88.6067	Registered limited-liability limited partnerships The name and contact information of the custodian of the list of the general partners
88A.345	Business trusts: The name and contact information of the custodian of the ledger, duplicate ledger or statement containing the names of the beneficial owners and places of residence if known
88A.7345	Foreign business trusts: The name and contact information of the custodian of the list of the beneficial owners
89.045	Professional entities: The name and contact information of the custodian of the list of the owners of record
89.251	Professional associations: The name and contact information of the custodian of the list of the members
90.730	Securities: Information or records: (1) relating to an investigation concerning possible violations of securities law; and (2) which constitute trade secrets or certain commercial or financial information
91.160	Commodities: Information obtained: (1) in private investigations; and (2) from federal agencies which may not be disclosed under federal law
116.757 116A.270 116B.880	Common-interest communities and condominium hotels: Written affidavits, complaints and other documents and information filed by aggrieved persons and alleging violations of chapter 116, 116A or 116B of NRS, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline or take other administrative action
118B.026	Manufactured home parks: Any information obtained in the investigation of a complaint, including the name of the complainant, unless so ordered by the Administrator or a court of competent jurisdiction
119.260	Sale of subdivided land: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119.265	Sale of subdivided land: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
119.267	Sale of subdivided land: The criminal and financial records of a licensee, permittee or an applicant for a license or permit issued pursuant to the chapter
119.280	Sale of subdivided land: Certain records and information which may be trade secrets, including lists of prospective purchasers and lists of purchasers with whom a sale has been consummated
119A.280	Time shares: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119A.653	Time shares: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a

	result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
119B.370	Memberships in campgrounds: The terms of an agreement between the Real Estate Administrator and a developer in lieu of a cease and desist order, unless violated by the developer
119B.382	Memberships in campgrounds: Complaints and other documents and information filed alleging violations of the chapter, and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint, except any information considered when determining whether to impose discipline
120A.690	Unclaimed property: Documents and working papers obtained or compiled in the course of conducting an examination of the records of any person to determine whether the person has complied with the chapter
125.130	Divorce: The social security numbers of both parties, except as otherwise required to carry out a specific statute
125B.140	Obligations for support: The social security numbers of the obligor, except as otherwise required to carry out a specific statute
126.061	Artificial insemination: Husband's consent to artificial insemination of his wife
126.141	Paternity: The alleged father's identity, if the court deems it in the best interest of the child
126.161 126.163	Paternity: The social security numbers of a child and the parents of a child, except as otherwise required to carry out a specific statute
127.007	Adoption: If requested by the person: (1) the name of a person in the State Register for Adoptions, or the fact the name was even in the Register; and (2) certain information about an adopted person
127.057	Adoption: All information received by the agency which provides child welfare services relating to a consent to adoption
127.130	Adoption: The report of the agency which provides child welfare services or the licensed child-placing agency designated by the court
127.140	Adoption: All hearings, except certain persons and by order of the court; and the files and records of the court in adoption proceedings, except in certain circumstances
127.2817	Adoption: The identity of those persons who are interviewed or submit information concerning whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption
159.044	Guardianships: The social security number, taxpayer identification number, driver's license number, identification card number, or passport number of the proposed ward and proposed guardian
172.075	Grand juries: The record of the number of jurors concurring in the finding of every presentment or indictment, except on order of the court
172.245	Grand juries: A person's knowledge concerning the proceedings of a grand jury, except in certain circumstances
176.015	Sentencing hearings: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the prosecutor

176.0625	Collection of fees and fines: Personal identifying information
176.156	Investigations by the Division of Parole and Probation of the Department of Public Safety: Reports of a presentence investigation or general investigation and the sources of information, except in certain circumstances
176A.630	Modification of sentence of probationer: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the Division of Parole and Probation of the Department of Public Safety
178.39801	Collection of fees: Personal identifying information
178.4715	Notification of victims upon discharge, conditional release or escape: All personal information, including a current or former address, which pertains to a victim or relative and which is received by the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services
178.5691	Protection of victims and witnesses: All personal information, including a current or former address, which pertains to a victim, relative, witness or other person and which is received for such protection
179.495	Wiretaps: An inventory of an order to intercept communications and whether any communications were or were not intercepted
179A.165	Records of Criminal History: Any mental health information transmitted to the National Instant Criminal Background Check System
179A.450	Repository for Information Concerning Crimes Against Older Persons: Any information collected to assess the incidence of the abuse, neglect, exploitation or isolation of older persons
200.3771	Victims of certain sexual offenses: The identity of a victim of a sexual offense or an offense involving a pupil, including the victim's photograph, likeness, name, address or telephone number, except in certain circumstances
200.3772	Victims of certain sexual offenses: Forms used to request the use of a pseudonym in legal proceedings, except in certain circumstances
200.5095	Crimes against the person: Reports of the abuse, neglect, exploitation or isolation of older persons and vulnerable persons, except in certain circumstances
200.604	Peeping: Any image of the private area of a person, except in certain circumstances
202.3662	Concealed firearms: Any records and information regarding an application for a permit to carry a concealed weapon or a person already so permitted
205.4651	Identity theft: Applications for an identity theft program card, including supporting documentation
209.392 209.3925	Residential confinement of offenders: All personal information, including a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation of the Department of Public Safety
209.419	Wiretaps in prisons and similar facilities: Certain communications made by an offender
209.521	Notification of victim of escape or release of offender: All personal information, including a current or former address, which pertains to a victim and which is received by the Director of the Department of Corrections

211A.140	Probationers: Any information regarding a probationer obtained by the chief, an assistant or other employee of the department of alternative sentencing
213.010 213.040 213.095 213.131	Pardons: All personal information, including a current or former address, which pertains to a victim and which is received by the State Board of Pardons Commissioners, a district attorney
217.105	Compensation for victims of crime: Any information a compensation officer obtains in the investigation of a claim for compensation
217.110	Compensation for victims of crime: Any investigative or police reports obtained by a compensation officer, unless ordered by a court
217.464	Fictitious address for victim of domestic violence, sexual assault or stalking: Any records containing the name, confidential address or fictitious address of a participant, except in certain circumstances
217.475	Assistance to victims of domestic violence: Any information or records provided to a team to review the death of a victim
218E.625	Legislative Bureau of Educational Accountability and Program Evaluation: Any information obtained by the Bureau
218F.150	Legislative Counsel Bureau: (1) The nature or content of any matter entrusted to the Legislative Counsel Bureau; (2) the identity of the person who requested it or any material submitted by a requester to the Research Division which has not been published or publicly disclosed; and (3) the nature and content of the work product of the Legal Division and Fiscal Analysis Division
218G.130	Audits: All working papers from an audit by the Audit Division of the Legislative Counsel Bureau
218G.240	Audits: The content of any audit before it is presented to the Audit Subcommittee or the Legislative Commission, as appropriate
218G.350	Audits: Information disclosed by an audit before it is presented to the Audit Subcommittee or submitted to the appropriate federal agency or an entity designated by the federal agency
228.270	Crimes against older persons: Any information shared by an organization with other members of a multidisciplinary team to review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be from abuse, neglect or isolation
228.450	Domestic violence: Any information used to prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History
228.495	Domestic violence: Any information or records provided to a team to review the death of a victim of a crime that constitutes domestic violence
228.570	Telecommunication solicitation: The information, except the telephone numbers, in the registry of names and telephone numbers of persons requesting not to receive unsolicited telephone calls for sale of goods or services
231.069	Economic development: If requested by a client, any record or other document possessed by the Office of Economic Development concerning the initial contact with and research and planning for that client
233.190	Equal rights: Any information gathered by the Nevada Equal Rights Commission in the course if investigating an alleged unlawful discriminatory

	practice in housing, employment or public accommodations
237.300	Digital parcel base maps: Certain maps provided to the State Demographer
239.010	Public bodies: The contents of certain public books and records
239.0105	Local governmental entities: Certain records
239.0113	Public bodies: Burden of proof on governmental entity to establish confidentiality
239B.030 239B.040 239B.050	Governmental agencies: (1) Any personal information about a person on any document that is recorded, filed or otherwise submitted, including on a website of the agency; (2) databases containing electronic mail addresses or telephone numbers of certain persons
239C.140	Nevada Commission on Homeland Security: All information and materials received or prepared during certain closed meetings and all minutes and audiovisual or electronic reproductions of such a meeting
239C.210	Homeland security: Certain documents, records or other items of information upon declaration of Governor
239C.230	Homeland security: Log of inspections of the documents, records or other items of information declared confidential by the Governor
239C.250	Homeland security: Emergency response plans of political subdivisions
239C.270	Homeland security: Vulnerability assessment and response plan of utilities
240.007	Notaries public: Certain information and documents filed with or obtained by Secretary of State
241.020	Public meetings: Certain supporting documents
241.030	Public meetings, exceptions to: The identity of certain appellants
242.105	Information technology services: Certain documents relating to homeland security
244.264	County organizations for economic development: Records or other documents concerning the initial contact with and research and planning for that client.
244.335	County fair and recreation boards: All information concerning license taxes levied or other information concerning the business affairs or operation of a 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 certain authorized employees
250.087	Parcel datasets: Certain parcel datasets of county assessors
250.130 to 250.160	County assessors: The personal information about certain persons in the records of a county assessor
268.095	Cities and towns: All information concerning license taxes levied or other information concerning the business affairs or operation of a 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 certain authorized employees
268.490	Cities and towns: The records of all license taxes due or collected, or both
268.910	City organizations for economic development: Records or other documents concerning the initial contact with and research and planning for that client.
271A.105	Tourism improvement districts: Any information reported to the Department of Taxation
281.195	State agencies: A log of access to the computers of a state agency
281A.440	Commission on Ethics: The proceedings of an investigatory panel and all documents in the possession of the Commission or its staff that is related to a

	request for an opinion regarding a public officer or employee submitted, until the investigatory panel determines whether there is just and sufficient cause to render an opinion
281A.470	Specialized or local ethics committee: All documents and information relating to requests for opinions, as well as any hearings or deliberations
281A.550	Employment of certain former public officers and employees by regulated: All documents and information relating to requests for opinions, including any motion, determination, evidence or record of a hearing
284.4068	Public employees: The results of screening tests for the use of alcohol or drugs
289.025	Peace officers: Confidentiality of home address and photograph of peace officer in possession of law enforcement agency
289.080	Peace officers: Any information that a representative obtains from a peace officer who is a witness concerning an investigation of another peace officer
289.387	Peace officers: The findings and recommendation of an advisory review board, unless otherwise declared confidential by state or federal law; proceedings are closed.
293.5002	Voter registration: The name, confidential address or fictitious address of a person who has been issued a fictitious address
293.503	Voter registration: Any information relating to where a person registers to vote
293.558	Voter registration: The address, telephone number, social security number and driver's license or identification card number of a registered voter
293B.135	Voting: Election computer programs certified by the accuracy certification board for an election in this State
293D.510	Military and overseas absentee voters: Electronic-mail addresses
331.110	State public works: Information regarding property deemed confidential by the Chief of the Budget Division
332.061	Local government purchasing: Proprietary information
332.351	Local government purchasing: Financial information and other data pertaining to the net worth of an applicant used to determine the financial ability of an applicant to perform certain contracts
333.333	State purchasing: Proprietary information regarding trade secrets
333.335	State purchasing: Proposals
338.070	Public works: Certain personal information regarding employees
338.1379	Public works: Financial information and other data pertaining to the net worth of an applicant used to determine the financial ability of an applicant to perform a contract
338.1725	Design-build teams: Before the selection of finalists, the results of the evaluations of preliminary proposals
338.1727	Design-build teams: (1) Before the selection of finalists, the results of the evaluations of preliminary proposals; and (2) financial or proprietary information submitted by a design-build team
348.420	Public securities: Records of the transferees and pledgees of public securities and their addresses
349.597	Industrial development: Proprietary information and financial statements or records of the obligor or guarantor
349.775	Exporting goods: Any information concerning the identity, background,

	finances, marketing plans, trade secrets or any other commercially sensitive affairs of an exporter
353.205	State budget: Part 3 of the proposed budget, until the bills which result from the proposed budget are introduced in the Legislature
353A.085	Audits: The contents of any audit before the final report is submitted to the Executive Branch Audit Committee
353A.100	Audits: All working papers from an audit
353C.240	Public debt collection: All information provided to the State Controller by a financial institution
360.247	Taxation: Any information provided by a taxpayer that the Nevada Tax Commission has determined to be proprietary or confidential
360.255	Taxation: The records and files of the Department of Taxation concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected
360.755	Taxation: Until the business has exhausted all appeals to the Department of Taxation and the Nevada Tax Commission, the information in an audit report provided to the Office of Economic Development
361.044	Property tax: Certain proprietary information concerning taxpayers
361.610	Property tax: Any records or other documents concerning a claim for excess proceeds
365.138	Fuel tax: All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential
366.160	Special fuel tax: All supporting schedules, invoices and other pertinent papers relative to the business affairs and operations, and regarding the records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user or special fuel manufacturer
368A.180	Live entertainment tax: The records and files of the State Gaming Control Board and the Department of Taxation in certain cases
372A.080	Tax on controlled substances: All information which is submitted to the Department of Taxation by or on behalf of a dealer in controlled substances and all records of the Department which contain the name, address or any other identifying information concerning a dealer
378.290	Public records: Certain records of former Governors
378.300	Public records: Certain public records acquired by the Division of State Library and Archives of the Department of Administration
379.008	Libraries: Applications for certification of personnel and related documents
386.655	Local administrative organization: The education records of a pupil
387.626	Financial support of school systems: All information, records and data, and all working papers necessary to conduct a review of a school district
387.631	Financial support of school systems: Until the final report is submitted, the preliminary report of a review
388.5275	Pupils with a disability: A file of the use of physical restraint on a pupil with a disability in an emergency

388.528	Pupils with a disability: A file of the use of a mechanical restraint on a pupil with a disability in an emergency
388.5315	Pupils with a disability: The denial of rights of a pupil with a disability
388.750	Educational foundations: The names of the contributors to the foundation or the amount of their contributions
389.015	High school proficiency examinations: The questions and answers
391.035	Educational personnel: An application and related documents for a license as a teacher or to perform other educational functions
392.029	Pupils: The education records of a pupil
392.129	Pupils: In an annual report concerning truancy, the identity of an individual pupil
392.147	Pupils: Information concerning the records of a pupil or services provided to a pupil or the pupil's family in regards to school attendance
392.264	Pupils: The name of a victim of a sexual offense or a sexually motivated act
392.271	Pupils: The name of an offender or of a victim of a sexual offense or a sexually motivated act, except in certain circumstances
392.456 392.4575	Pupils: The identity of an individual parent, legal guardian or pupil.
392.652 394.1698	Crisis and emergency response in schools: Plans, approved deviations and certain other information
392.850	Pupils: Information received by an employee regarding a pupil who has unlawfully caused or attempted to cause serious bodily injury to any person
394.167	Private schools: The name of an offender or of a victim of a sexual offense or a sexually motivated act, except in certain circumstances
394.447	Private postsecondary institutions: Accreditation as evidence of compliance with minimum standards. All written materials relating to the accreditation of a school
394.460	Private postsecondary institutions: The curriculum and financial statement of the institution
394.465	Private postsecondary institutions: The results of certain background investigations
396.3295	University police: The proceedings of a panel of a campus review board. and the findings and recommendations of a panel if otherwise declared confidential by state or federal law.
396.405	University foundations: The name of any contributor or potential contributor and the amount of a contribution or any information which may reveal or lead to the discovery of a contributor's identity
396.525 396.535	Genetics programs: The records of the genetics program concerning clients and families
398.403	Athletes' agents: Any information obtained in connection with an application for registration or an investigation
408.3885	Design-build contracts: Before the selection of finalists, the results of the evaluations of preliminary proposals
408.3886	Design-build contracts: Financial or proprietary information submitted by a design-build team.
412.153	State militia: Any personal information of a member of the Nevada National

	Guard which is related to the member's military service
416.070	Military: Any information relating to emergencies concerning water or energy and designated as confidential by the person providing the information
422.305	Medicaid: Any information obtained in an investigation of a provider of services under the State Plan for Medicaid
422A.350	Welfare and supportive services: A determination of domestic violence
427A.1236	Services for elderly persons: All records in the possession relating to the counseling or representation of certain elderly persons
427A.872	Services for certain persons with autism spectrum disorder: The identify a person who received services
432.205	Missing/exploited children: Communications with the Clearinghouse or the fact that a communication must be made.
432B.175	Protection of children: Data or information regarding a fatality or near fatality of a child who is the subject of a report of abuse or neglect
432B.280 432B.290	Prenatal illegal substance abuse: Reports of prenatal illegal substance abuse and related records
432B.407	Child death review teams: Information, books, records or papers received by a team pursuant to a subpoena.
432B.430	Children in need of protection: Any proceedings and information related thereto
432B.560	Children in need of protection: The social security number of a parent or guardian who is subject to an order for child support while the child is in the care of a custodian
433.534	Consumers of mental health services: Report detailing the denial of the rights of a consumer and certain meetings of the Commission on Mental Health and Developmental Services
433A.360	Consumers of mental health services: Clinical records for each consumer
439.270	Epilepsy: The name, age and address of every person with epilepsy reported to DMV by the Health Division
439.840	Reports of sentinel events
439B.420	Operative contracts of a hospital or related entity
441A.220	Communicable diseases: Information of a personal nature
441A.230	Communicable diseases: The name of or other personal identifying information about a person infected with a communicable disease
442.330	Statewide system for collection and analysis of information concerning birth defects and other adverse birth outcomes: Information that would reveal the identity of a patient
442.395	Fetal alcohol syndrome: Any report or other documentation relating to the referral of a pregnant woman to programs for the prevention and treatment of fetal alcohol syndrome
445A.665	Water pollution control: Any records, reports or information entitled to protection as a trade secret
445B.570	Air pollution: Information or records relating to dollar amounts of production or sales, processes or production unique to an owner or operator or, if disclosed, would tend to affect adversely the competitive position of an owner or operator
449.209	Personally identifying information relating to a person who is referred to a residential facility for groups, and other information deemed confidential under

	federal law
449.245	Release of child from a hospital: All information relating to the release of a child from a hospital or the surrender of physical custody of a child under 6 months
449.720	Medical and other related facilities: All communications and records concerning a patient
453.1545	Controlled substances: Information obtained from the computerized program to track prescriptions for controlled substances relating to a practitioner or a patient
453.720	Controlled substances: All information in the possession of Health Division, rehab clinic or any certified hospital concerning a narcotic addict being treated or who was treated
453A.610	University of Nevada School of Medicine program for the evaluation and research of the medical use of marijuana in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition: The contents of any applications, records or other written materials received pursuant to the program, including the name or other identifying information of an applicant
453A.700	Medical use of marijuana: The contents of any applications, records or other written documentation, including the name or other identifying information of an attending physician or an applicant
458.055	Alcohol and drug abuse programs: Records, files and communications filed with the Health Division
458.280	Alcohol and drug abuse programs: Registration and other records of a treatment facility
459.050	State control of radiation: Reports of investigation or inspection and information concerning trade secrets or secret industrial processes
459.3866	Highly hazardous substances and explosives: Information that an owner or operator of a facility claims will reveal a trade secret or confidential information
459.555	Disposal of hazardous waste: Trade secrets established to the satisfaction of the Director of Department of Conservation and Natural Resources
459.7056	Hazardous materials: Information regarding the ownership, a parent company, affiliate or subsidiary, the financial balance sheet and statement of income, liability for any debts or the customers of a motor carrier, including services provided to specific customers
459.846	Hazardous materials storage tanks: Trade secrets including information concerning fuel additives
463.120	Gaming Control Board: All information and data required to be provided to the Board or its, and the agents or employees of the Board or Nevada Gaming Commission
463.15993	Nevada Gaming Commission: The rate of progression of the primary jackpot meter of an inter-casino linked system
463.240	Gaming: Information supplied to a county, city or town by an applicant or licensee
463.3403	Gaming: Any information relating to the termination of a gaming employee or the services of an independent agent
463.3407	Gaming: Any communication or document of an applicant or licensee made or

	transmitted to the State Gaming Control Board or Nevada Gaming Commission to comply with any law or regulations or subpoena or to assist the Board or Commission in the performance of their duties
463.790	Gaming: Resort hotel emergency response plans
467.1005	Gaming/Unarmed combat: Any information concerning an applicant for a license and medical and financial records of an applicant
467.137	Gaming/Unarmed combat: Contracts entered into by a promoter and a television broadcasting network for the sale, lease or other exploitation of television rights for a contest or exhibition
481.063	Motor vehicles: License plate numbers combined with other personally identifiable information, social security numbers and any other personally identifiable information
482.170	Motor vehicle registration: All personal information in the records of registration and licensing in the offices of DMV
482.5536	Stolen vehicles: Identification of any confidential investigative technique or location of any confidential identifying number or mark used by a law enforcement agency or DMV to identify a motor vehicle or part from a motor vehicle
483.340	Drivers' licenses: Information pertaining to the issuance of a driver's license for identification purposes
483.363	Drivers' licenses: Reports requesting that DMV examine a licensee who may be unable to safely operate a motor vehicle
483.800	Registry of persons who are blind or visually impaired: All information contained in the registry.
484E.070	Written accident reports
485.316	System for verifying motor vehicle insurance: Information contained in the system
522.040	Oil and gas: Logs of exploratory or "wildcat" wells marked "confidential"
534A.031	Geothermal resources: Exploration and subsurface information obtained as a result of a geothermal project
561.285	State Department of Agriculture: Proprietary information concerning the numbers of animals, production quantities, fiscal or tax matter, or the security of any facility which specifically relates to a person, company, corporation or other nonpublic entity and collected by the Department
571.160	Diseased animals: Notice of an infected animal
574.053	Cruelty to animals: Reports of an act of cruelty
584.583 584.5835	Fluid milk and fluid cream: Distributor statements of the costs of milk, cream, butter, fresh dairy products and substitute dairy products
584.655	Fluid milk and fluid cream: Distributors' records containing names and addresses of producers, dates of receipt, amounts received, official tests, usage and evidence of payment
598.0964	Deceptive trade practices: Any intelligence or information obtained by the Attorney General when investigating, including trade secrets
598.0979	Deceptive trade practices: Assurances of discontinuance and any stipulation accepted by the Commissioner of Consumer Affairs
598.098	Deceptive trade practices: The name of any person alleged to have committed a

	deceptive trade practice
598A.110	Unfair trade practices: Any information or other tangible evidence produced or answer made relating to an investigation
599B.090	Solicitation by telephone-registration of seller: The script, outline or presentation an applicant will require a salesperson to use when soliciting
603.070	Trade regulations-computers: Proprietary programs or data obtained by a governmental agency
604A.710	Deferred deposit loans, high-interest loans, title loans, etc.: Books, accounts, papers and records obtained in an investigation of a registered agent
612.265	Unemployment compensation: Information obtained from an employing unit or person as to the benefit rights of a person
616B.012	Industrial insurance: Information obtained from any insurer, employer or employee
616B.015	Industrial insurance: Records and files of the Division of Industrial Relations concerning self-insured employers and associations of self-insured public or private employers
616B.315	Industrial insurance: Any documents declared by the Commissioner of Insurance to be confidential submitted in support of a request for an extension of a certification
616B.350	Associations of self-insured employers: Any financial information relating to a member of an association received by the Commissioner of Insurance
618.341	Industrial relations: The name of any employee who filed a complaint or who made statements concerning an employer and any information which is part of a current investigation
618.425	Occupational safety and health: The name of any employee giving a complaint notice or names of employees mentioned in a complaint.
623.131	Architecture, interior design and residential design: (1) Records of the Board which relate to its employee or an examination given by the Board; and (2) complaints and all documents and other information compiled as a result of an investigation.
623A.353	Architecture, interior design and residential design: Records of the Board which relate to an employee of the Board or an examination given by the Board; complaints and all documents and other information compiled as a result of an investigation
624.110	Contractors: Credit reports, references, financial information and data pertaining to a licensee's net worth
624.265	Contractors: The results of investigations of applicants
624.327	Contractors: The existence of and personally identifying information in a complaint filed with the Board, and all documents and information obtained during an investigation of a complaint
625.425	Professional engineers and land surveyors: Any information obtained during an investigation by the Board
625A.185	Environmental health specialists: A complaint filed with the Board, all documents and other information obtained during an investigation
628.418	Accountants: A complaint filed with the Board, all documents and other information obtained during an investigation

630.133	Physicians, etc.: Information relating to identification of a sentinel event
630.30665	Physicians, etc.: Reports of surgeries requiring conscious sedation, deep sedation or general anesthesia and sentinel events arising from any such surgery
630.336	Physicians, etc.: (1) Any documents submitted in support of an application, including reports concerning the fitness of an applicant for a license to practice medicine, perfusion or respiratory care; (2) communications between the Board and any of its committees, panels, staff investigators, etc.; and (3) all documents and other information obtained during an investigation
630A.555	Homeopaths: A complaint filed with the Board, all documents and other information obtained during an investigation.
631.368	Dentists, etc.: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
632.121	Nursing: Reports of sentinel events.
632.125	Nursing: Lists of professional or practical nurses, nursing assistants or medication aides-certified submitted to the Board by hospitals or agencies.
632.405	Nursing: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
633.283	Osteopathic medicine: Reports identifying sentinel events.
633.301	Osteopathic Medicine: Any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
633.524	Osteopathic medicine: Reports of surgeries requiring conscious sedation, deep sedation or general anesthesia and sentinel events arising from any such surgery
634.212	Chiropractic:: Information pertaining to the personal background, medical history or financial affairs of an applicant or licensee which the Board requires
634.214	Chiropractic: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
634A.185	Oriental Medicine: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
635.158	Podiatry: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
636.107	Optometry: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
637.085	Dispensing opticians: (1) Any documents submitted in support of an application, including reports concerning the fitness of an applicant for a license to practice ophthalmic dispensing; (2) communications between the Board and any of its committees, panels, staff investigators, etc.; and (3) all documents and other information obtained during an investigation
637A.315	Hearing aid specialists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
637B.288	Audiology and speech pathology: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
638.087	Veterinary: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation

638.089	Veterinary: All information received by the Board concerning an applicant for a license or a licensee, including the results of an investigation
639.2485	Pharmacy: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
639.570	Pharmacy: The results of an audit and any proprietary or confidential business information of a drug wholesaler or manufacturer
640.075	Physical therapy examiners: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640A.220	Occupational therapy: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640B.730	Athletic trainers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640C.400	Massage therapists: The results of investigation by the Board of an applicant and any information relating to licenses to practice massage therapy
640C.745	Massage therapists: Certain records of conviction
640C.760	Massage therapists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640D.190	Music therapists: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
640E.340	Dietitians: All documents and other information compiled as a result of an investigation
641.090	Psychology, etc.: Personnel records of applicants; complaint filed with the Board, and all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
641A.191	Marriage and family therapists, etc.: All documents and other information compiled as a result of an investigation
641B.170	Social workers: Records and information relating to a licensee or applicant for a license, and all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
641C.760	Alcohol, drug and gambling counselors: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
642.524	Funerals: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
643.189	Barbers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
644.446	Cosmetology: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645.180	Real estate brokers, salespersons and owner-developers: Examinations for a certificate or license, and criminal and financial records
645.625	Real estate brokers and salespersons: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645A.050	Escrow agencies and agents: Financial statements of an escrow agency; certain

	records and information obtained by the Division of Mortgage Lending from a governmental agency; and records and information compiled in an investigation of possible violations relating to escrow agencies and agents
645A.082	Escrow agencies and agents: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645B.060	Mortgage brokers and mortgage agents: Certain records and information obtained by the Division of Mortgage Lending from a governmental agency
645B.092	Mortgage brokers and mortgage agents: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645C.220	Real estate appraisers and interns: Examinations for a certificate or license, and criminal and financial records
645C.225	Real estate appraisers and interns: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645D.130 645D.135	Inspectors of structures and energy auditors: Criminal and financial records, all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645E.300	Mortgage bankers: Certain records and information obtained by the Division of Mortgage Lending from a governmental agency
645E.375	Mortgage bankers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645G.510	Exchange facilitators: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
645H.320	Asset management companies and asset managers: Criminal and financial records
645H.330	Asset management companies and asset managers: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
648.033	Private investigators: Financial condition and criminal record of applicant or licensee not obtained from public source, all documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
648.197	Private investigators: Records and information relating to polygraphic examinations
649.065	Collection agencies: Certain information contained within the public record kept by the Commissioner of Financial Institutions
649.067	Collection agencies: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
652.228	Medical laboratories: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
654.110	Long-term care administrators: All documents and other information filed with a complaint and all documents and other information compiled as a result of an

	investigation
656.105	Court reporters: All documents and other information filed with a complaint and all documents and other information compiled as a result of an investigation
661.115	Banks and related organizations: Any list of stockholders or members, as applicable, submitted to the Commissioner of Financial Institutions
665.130 665.133	Banks and related organizations: Reports filed with the Division of Financial Institutions and any reports prepared which relate thereto
669.275	Trust companies: Audited financial statements and any list of stockholders or members, as applicable, submitted to the Commissioner of Financial Institutions
669.285	Trust companies: Any application and personal or financial records submitted to the Division of Financial Institutions and any such records or other documents obtained by the Division pursuant to an examination or audit conducted by the Division
669A.310	Family trust companies: Any application and personal or financial records submitted to the Division of Financial Institutions and any such records or other documents obtained by the Division pursuant to an examination, audit or investigation conducted by the Division
671.170	Issuers of instruments for transmission or payment of money: All reports of investigations and examinations and other reports rendered pursuant to an investigation or hearing, and all correspondence and memoranda relating thereto
673.430	Savings and loan associations: Section of annual report containing information required by the Commissioner of Financial Institutions
675.380	Registered agents: Investigations relating to installment loans, including any book, accounts, papers and records used therein, except to the extent necessary to enforce chapter
676A.340 676A.370	Debt-management services providers: Certain information received by the Commissioner of Financial Institutions, including applications for registration
677.243	Thrift companies: Employee records
679B.122	Insurance: Certain information provided to a state, federal or international regulatory, law enforcement or legislative agency or the National Association of Insurance Commissioners
679B.152	Insurers and organizations for dental care: Description of "usual and customary" fees for medical or dental care
679B.159	Insurance: Any name and information reported to the Commissioner of Insurance for a violation of the Nevada Insurance Code
679B.190 679B.285	Insurance: Records or information relating to investigations by the Commissioner of Insurance; any records and information deemed confidential by Commissioner; any working papers and other documents used in the course of an examination of an insurer
679B.690	Insurance: Records and information related to investigations by the Attorney General and Fraud Control Unit
680A.270	Authorized insurers: Ratios of financial analyses and synopses of examinations concerning insurers submitted to the Division of Insurance by the NAIC Insurance Regulatory Information system
681A.440	Brokers and managers for reinsurance (intermediaries): Summary of the Commissioner of Insurance's basis for refusal to issue a license to act as an

	intermediary
681B.260	Opinion of qualified actuaries: Opinion and materials submitted by an insurer to the Commissioner of Insurance relating to assets and liabilities
681B.280	Insurance: Reports of material acquisitions and disposition of assets
683A.0873	Persons involved in sale or administration of insurance: The names and addresses of insured persons and other material in the books and records of an administrator relating thereto
685A.077	Nonadmitted insurance: If classified as confidential by the Commissioner of Insurance, investigations conducted by nonprofit organizations of surplus line brokers, and communications between such organizations and the Commissioner
686A.289	Trade practices and fraud: Information concerning act or omission alleged to be insurance fraud
686B.170	Service organizations: Until made public, reports of examination of affairs and condition of rate service organizations
686C.306	Life and health insurance guaranty associations: Until made public, the ratios of insurers submitted to the Board of Directors by the NAIC Insurance Regulatory Information system r
687A.110 687A.115	Insurance guaranty associations: Until made public: (1) examination reports of member insurer that the Board of Directors believes may be in a hazardous financial condition; and (2) early warning tests developed by the National Association of Insurance Commissioners
687C.010	Interstate Insurance Product Regulation Commission: Certain records, data and information of the Commission
688C.230	Viatical settlements: Certain data relating to viatical settlements
688C.480 688C.490	Viatical settlements: Documents and information regarding felonious acts, and plan by licensees of certain protective measures against fraud
692A.117	Title insurance: The contents of an escrow file
692C.190	Acquisitions or mergers: Contents of statement filed with the Commissioner of Insurance
692C.420	Holding companies: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of an examination or investigation, and received in relation to the registration of a holding company
693A.480	Conversion of mutual into stock insurer: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of preparing, filing and processing an application of a converting mutual
693A.615	Reorganization on of mutual into stock insurer: Certain information and documents obtained by or disclosed to the Commissioner of Insurance or any other person in the course of preparing, filing and processing an application to reorganize
696B.550	Delinquent insurers: 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
703.196	Public utilities: Any books, accounts, records, minutes, papers and property of any public utility, alternative seller, provider of discretionary natural gas service

	or provider of new electric resources that are subject to examination by the Public Utilities Commission of Nevada and any officer or employee thereof, and certain other governmental entities
706.1725	Motor carriers: Any books, accounts, records, minutes, papers and property of any motor carrier that are subject to examination by the Nevada Transportation Authority, any officer or employee thereof, and certain other governmental entities
704B.320	Providers of new electric resources: Information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of a contract that the Public Utilities Commission of Nevada determines are commercially sensitive
704B.325	Providers of new electric resources: Information concerning any terms and conditions of a transaction for the purchase of energy, capacity or ancillary services from alternative provider
710.159	Local government utilities: Appraisal of the value of a telephone system to be sold or leased by the board of county commissioners
711.600	Video service providers: Reports regarding the construction of facilities and service locations
Sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011	Demonstration project for a toll road in connection with the Boulder City Bypass Project: (1) Other than the executive summary, no part of a proposal submitted for the planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for the demonstration project; (2) Information obtained by or disclosed during the procurement or negotiation of a public-private partnership; and (3) the trip data and other personal identifying information of a user of the demonstration project

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February 6, 2013

Assembly Committee on Government Affairs
Assemblywoman Teresa Benitez-Thompson, Chair
Legislative Building
401 S. Carson Street, Room 3143
Carson City, NV 89701-4702

Re: AB 31

Dear Committee:

I represent Civil Rights for Seniors, a Nevada non-profit corporation that advocates for the rights of Nevada's senior citizens.

Civil Rights for Seniors proposes one minor amendment to Section 3 of AB 31 to bring the records of the Administrative Office of the Courts ("the AOC") unambiguously within the purview of the Public Records Act (NRS, Ch. 239).

The amendment is necessary because the AOC contends that its records are not subject to public inspection and copying under the Public Records Act ("the Act") as the Act does not specifically state that it applies to the judicial branch. This means that the AOC's records related to its administration of foreclosure mediations under NRS 107.086 are not subject to public inspection and therefore that the AOC's administration of this important program is not subject to public scrutiny.

Proposed amendment to AB 31.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and [various provisions of NRS] and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity, ***including the Administrative Office of the Courts,*** 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. . . .

Assembly Committee: Government Affairs
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Submitted by: Philip A. Olsen

Background.

The Public Records Act was originally enacted in 1911. As it originally read, the Act made "all books and records of the state and county officers of this state" subject to public inspection. Section 5620, N.C.L.1929, Statutes 1911, at page 290. Over the decades, the legislature amended the statute several times to broaden its scope until in 1995 it applied to the records of all "public agencies."

In dictum in *Whitehead v. Nevada Com'n on Judicial Discipline*, 111 Nev. 70, 84 (1995), the Supreme Court raised the question whether the Public Records Act applied to the judiciary. In apparent response to the Court's dictum, the 1997 Legislature broadened the Act's scope once again to encompass not just every "public agency" but every "governmental entity." A.B. 214 (Nev. 69th Leg. 1997); 1997 Nev. Stats., ch. 498, at 2386. The definition of "governmental entity" found in NRS 239.005(4) was "as inclusive [a definition] as the state records' committee could find." Hearing on A.B. 214 before the Senate Comm. on Government Affairs, 69th Leg. (Nev., May 28, 1997) (testimony of Dale A. R. Erquiaga, Chief Deputy Secretary of State).

Despite the broad language of the Act, the AOC contends that its records are not subject to public inspection under the Public Records Act because the Act does not specifically mention the judiciary as coming within its purview. Not only is the AOC's contention contrary to the language of the Act, but it contradicts the Supreme Court's "belief in open government and [its] commitment to preserve the public nature of the business of the judicial branch, including its records." See, Comments of then Chief Justice Maupin, Supreme Court press release dated December 31, 2007, http://www.nevadajudiciary.us/index.php/archivedarticlelist/238-nevada-supreme-court-enacts-rules-to-ensure-public-access-to-court-records.

In *Civil Rights for Seniors vs. Administrative Office of the Courts*, First Judicial District Court Case No. 11 EW 00010 1B, the district court accepted the AOC's argument and held that the Public Records Act did not apply to the judiciary. Civil Rights for Seniors has appealed the decision to the Supreme Court, but a decision from the high court is not expected until the end of 2013 at the earliest.

With respect to the vast majority of judicial department records, i.e., the records of Nevada's courts, the question whether such records are subject to inspection under the Public Records Act is largely academic as such records are universally subject to inspection and copying, except in very limited and well-defined circumstances. See, Nevada Rules Governing Sealing and Redacting Court Records ("SCRC"); SRCR 1(3) ["Policy. All court records in civil actions are available to the public, except as otherwise provided in these rules or by statute.]. But the AOC also contends that its records are not "court records" and therefore not subject to inspection under such rules.

To the knowledge of Civil Rights for Seniors, the AOC is the only governmental entity in the

State of Nevada whose records are not readily available for public inspection.

Intent of the amendment.

The intent of the amendment is to make the records of the AOC related to its administration of foreclosure mediations subject to public inspection and copying under the Public Records Act and thereby assure the accountability of the AOC with regard to its administration of this important program.

Need for the amendment.

The purpose of the Public Records Act 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." NRS 239.001(1). The Public Records Act "ensure[s] the accountability of the government to the public by facilitating public access to vital information about governmental activities" (*DR Partners v. Board of County Com'rs of Clark County*, 116 Nev. 616, 621 (2000)) and "assures that government is held accountable for its actions by preventing secrecy." *Reno Newspapers v. Sheriff*, 126 Nev. ___, ___, 234 P.3d 922, 927 (2010).

In accordance with NRS 107.086(8)(a)), the Nevada Supreme Court has designated the Administrative Office of the Courts to serve as Mediation Administrator under NRS 107.086, the Nevada Foreclosure Mediation Law. See, Foreclosure Mediation Rules ("FMR") 2(1). As Mediation Administrator, the AOC controls who may and may not proceed with a non-judicial foreclosure, as such foreclosures may not occur without a certificate from the Mediation Administrator permitting the foreclosure to proceed. NRS 107.086(2)(c). The AOC also controls the mediation process by determining which mediators are appointed to serve in specific cases, terminating mediators (which the Program Manager may do "without cause at any time" (FMR 4(4)), and controlling mediators' training.

Civil Rights for Seniors has information that would lead a reasonable person to suspect that the AOC has committed specific governmental improprieties, including instructing mediators not to follow the law, improperly issuing certificates permitting foreclosures to proceed, and improperly permitting the lending industry to influence the foreclosure mediation program. Without access to the AOC's records, CRS's suspicions can neither be confirmed nor refuted. In addition, the AOC's records would reveal important information from which the public could evaluate the effectiveness of foreclosure mediation, since they would reveal, for example, how many cases have resulted in sanctions against beneficiaries under NRS 107.086(5) and what sorts of sanctions have been imposed.

The AOC's secrecy policy effectively insulates the AOC from public scrutiny regarding its administration of foreclosure mediations, which are of vital interest to Nevada citizens, including seniors, as Nevada struggles to recover from the current economic crisis. Only by subjecting the

AOC to the Public Records Act can the AOC be held accountable for its actions in administering foreclosure mediation under the Foreclosure Mediation Law.

I urge the Committee to include the above amendment in future drafts of AB31. I am also eager to discuss this matter with Committee members at their convenience.

Very truly yours,

Philip A. Olsen

cc: Attorney General Masto
Chief Justice Pickering
Ms. Alicia Johnson, attorney for the Administrative Office of the Courts

Nevada Policy Research Institute

For Immediate Release
February 7, 2013

Contact Victor Joecks
(702) 222-0642

NPRI testimony: AB 31 would limit Nevada's public records law

LAS VEGAS — Testifying before the Assembly Committee on Government Affairs on Assembly Bill 31, which was submitted by Attorney General Catherine Cortez Masto, *Nevada Journal* and NPRI reporter Karen Gray offered the following testimony.

For the record my name is Karen Gray and I am a reporter with *Nevada Journal*, which is published by the Nevada Policy Research Institute.

Public records are a critical tool when informing oneself and others on the workings of government. Nearly every day, I work with public records. In any given week, I could have one of more active public records requests. AB 31 would hinder my efforts and the efforts of every Nevada reporter in keeping the public informed.

Currently, NRS 239, Nevada's Public Records Act, states:

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;

and requires that:

> 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...
>
> 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.

Unfortunately AB 31 threatens to turn Nevada's transparency on its head. Instead of public records being available to any person to use as they see advantageous, government entities will be authorized to make the determination of whether the purpose in acquiring a public record outweighs the government agency's interest in non-disclosure.

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Submitted By: Karen Gray
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The attorney general's proposal would add this section:

> A governmental entity may withhold a public book or record of the governmental entity if, on the facts of the particular case, the public interest served by nondisclosure of the public book or record clearly outweighs the public interest served by disclosure of the public book or record.

Instead of a presumption that public records are *open*, this law says government officials will determine—on a case by case basis— what records are and are not open, allowing governmental entities — rather than citizens themselves — to deduce what's in the public's interest.

AB31 threatens one of the most fundamental principles of a democratic society by restricting the ability of the populous to freely scrutinize its government and be an informed citizenry.

The public's interest is best determined by the public and is served by allowing the public to freely access, inspect, request and receive public documents

As a journalist, I face delays in obtaining public records on a weekly basis — often because government agencies don't want to release the public documents showing their waste or fraud. The public, though, has a right to that information and to decide for themselves if the information is of interest.

The changes in AB 31 would allow further impediment to not only my work, but to the work of reporters throughout the Silver State, possibly leading to more waste, fraud and abuse.

The public's right to be an informed and educated populous would be greatly hindered by AB 31.

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MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

Seventy-Seventh Session
March 13, 2013

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:09 a.m. on Wednesday, March 13, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
John Budden, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Keith Munro, Assistant Attorney General, Office of the Attorney General
Jack Mallory, representing Southern Nevada Building and Construction Trades Council
Barry Smith, representing Nevada Press Association
Tonja Brown, Private Citizen, Carson City, Nevada
Brett Kandt, Special Deputy Attorney General, Executive Director, Advisory Council for Prosecuting Attorneys, Office of the Attorney General
George H. Taylor, Deputy Attorney General, Office of the Attorney General
Adam Plain, Insurance Regulation Liaison, Division of Insurance, Department of Business and Industry
Jeff Fontaine, Executive Director, Nevada Association of Counties
John Slaughter, Management Services Director, Government Affairs Coordinator, Washoe County
Cadence Matijevich, Assistant City Manager, City of Reno
P. Michael Murphy, Coroner, Office of the Coroner, Clark County
Ted J. Olivas, Director, Administrative Services, City of Las Vegas
Nicole Rourke, Executive Director, Community and Government Relations, Clark County School District
Michelle Ravell, Private Citizen, Las Vegas, Nevada
Florence Jones, Private Citizen, Las Vegas, Nevada
Bruce Kittess, Private Citizen, Carson City, Nevada
Brett Scolari, representing Reno/Sparks Convention and Visitors Authority