

REQUIRES TWO-THIRDS MAJORITY VOTE

(§ 1)

A.B. 51

ASSEMBLY BILL NO. 51—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public records.
(BDR 19-430)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public records; authorizing a governmental entity to charge a person who requests a copy of a public record a reasonable fee for the use of its personnel or technological resources; requiring a request to inspect, copy or receive a copy of a public book or record to be in writing and identify the requester; requiring, under certain circumstances, a person who makes such a request to make a reasonable effort to assist the governmental entity in focusing the request; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Public Records Act provides that all public books and public records of a
2 state or local governmental entity, unless otherwise declared by law to be
3 confidential, are required to be open at all times during office hours for the public
4 to inspect, copy or receive a copy thereof. (NRS 239.010) **Section 2** of this bill
5 requires a request to inspect, copy or receive a copy of a public book or public
6 record to: (1) be in writing; and (2) identify the person who is making the request.
7 **Section 3** of this bill makes a conforming change to reflect the requirement for such
8 a request to be made in writing.

9 The Public Records Act authorizes a governmental entity to charge a fee for
10 providing a copy of a public record but such fee generally must not exceed the
11 actual cost to the governmental entity of providing the copy. (NRS 239.052) The
12 term “actual cost” means the direct cost incurred by a governmental entity in the



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13 provision of a public record, including the cost of ink, toner, paper, media and
14 storage, but the term does not include a cost that a governmental entity incurs
15 regardless of whether or not a person requests a copy of a particular public record.
16 The Public Records Act also: (1) requires a governmental entity to charge certain
17 fees for a copy of a transcript of an administrative proceeding that has been
18 transcribed by a certified court reporter; and (2) authorizes a governmental entity to
19 charge certain fees for information from a geographic information system. (NRS
20 239.053, 239.054) **Section 1** of this bill provides that, in addition to any other such
21 authorized fees, a governmental entity may charge a reasonable fee for the use of its
22 personnel or technological resources. **Section 1** further provides that in order to
23 charge a fee for the use of its personnel or technological resources, the
24 governmental entity must adopt a written policy that: (1) provides a method for
25 calculating such a fee; and (2) requires the governmental entity to provide written
26 notice to the requester of the amount of the fee before preparing the requested
27 information.

28 Under the Public Records Act, if a person requests to inspect or copy a public
29 book or record or receive a copy of a public book or record which the governmental
30 entity is unable to make available by the end of the fifth business day after the
31 request was received, the governmental entity is required to perform certain actions,
32 including making a reasonable effort to assist the requester to focus the request in
33 such a manner as to maximize the likelihood the requester will be able to inspect,
34 copy or receive a copy of the public book or record as expeditiously as possible.
35 (NRS 239.0107) **Section 3** requires the requester to make a reasonable effort to
36 assist the governmental entity in focusing the request.

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

1 **Section 1.** Chapter 239 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsection 2, and in*
4 *addition to any fee authorized pursuant to NRS 239.052, 239.053*
5 *and 239.054, a governmental entity may charge a reasonable fee*
6 *for the use of its personnel or technological resources in fulfilling*
7 *a request for a copy of a public record.*

8 *2. A governmental entity may charge a fee pursuant to*
9 *subsection 1 only if the governmental entity adopts a written policy*
10 *which:*

11 *(a) Provides a method for calculating the fee for the use of its*
12 *personnel and technological resources; and*

13 *(b) Requires the governmental entity to provide notice to the*
14 *requester, in writing, of the amount of the fee for the use of its*
15 *personnel and technological resources before preparing the*
16 *requested information.*

17 *3. As used in this section, "technological resources" means*
18 *any information, information system or information service*
19 *acquired, developed, operated, maintained or otherwise used by a*
20 *governmental entity.*



Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and
NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,
250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,
269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,
388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,
396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,



1 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
2 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
3 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
4 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
5 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
6 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
7 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
8 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
9 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
10 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
11 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
12 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
13 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
14 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
15 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
16 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
17 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
18 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
19 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,
20 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
21 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
22 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
23 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
24 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
25 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
26 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,
27 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
28 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
29 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
30 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
31 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
32 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
33 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
34 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
35 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
36 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
37 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
38 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
39 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
40 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
41 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
42 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
43 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
44 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
45 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,



1 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
2 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
3 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
4 unless otherwise declared by law to be confidential, all public books
5 and public records of a governmental entity must be open at all
6 times during office hours to inspection by any person, and may be
7 fully copied or an abstract or memorandum may be prepared from
8 those public books and public records. Any such copies, abstracts or
9 memoranda may be used to supply the general public with copies,
10 abstracts or memoranda of the records or may be used in any other
11 way to the advantage of the governmental entity or of the general
12 public. This section does not supersede or in any manner affect the
13 federal laws governing copyrights or enlarge, diminish or affect in
14 any other manner the rights of a person in any written book or
15 record which is copyrighted pursuant to federal law.

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

18 3. *A request to inspect, copy or receive a copy of a public*
19 *book or record must:*

20 (a) *Be in writing; and*

21 (b) *Identify the person requesting to inspect, copy or receive a*
22 *copy of a public book or record.*

23 4. A governmental entity that has legal custody or control of a
24 public book or record shall not deny a request made pursuant to
25 subsection 1 to inspect or copy or receive a copy of a public book or
26 record on the basis that the requested public book or record contains
27 information that is confidential if the governmental entity can
28 redact, delete, conceal or separate, including, without limitation,
29 electronically, the confidential information from the information
30 included in the public book or record that is not otherwise
31 confidential.

32 ~~4.~~ 5. If requested, a governmental entity shall provide a copy
33 of a public record in an electronic format by means of an electronic
34 medium. Nothing in this subsection requires a governmental entity
35 to provide a copy of a public record in an electronic format or by
36 means of an electronic medium if:

37 (a) The public record:

38 (1) Was not created or prepared in an electronic format; and

39 (2) Is not available in an electronic format; or

40 (b) Providing the public record in an electronic format or by
41 means of an electronic medium would:

42 (1) Give access to proprietary software; or

43 (2) Require the production of information that is confidential
44 and that cannot be redacted, deleted, concealed or separated from
45 information that is not otherwise confidential.



1 ~~5.1~~ 6. An officer, employee or agent of a governmental entity
2 who has legal custody or control of a public record:

3 (a) Shall not refuse to provide a copy of that public record in the
4 medium that is requested because the officer, employee or agent has
5 already prepared or would prefer to provide the copy in a different
6 medium.

7 (b) Except as otherwise provided in NRS 239.030, shall, upon
8 request, prepare the copy of the public record and shall not require
9 the person who has requested the copy to prepare the copy himself
10 or herself.

11 **Sec. 3.** NRS 239.0107 is hereby amended to read as follows:

12 239.0107 1. Not later than the end of the fifth business day
13 after the date on which the person who has legal custody or control
14 of a public book or record of a governmental entity receives a
15 written ~~for oral~~ request from a person to inspect, copy or receive a
16 copy of the public book or record, a governmental entity shall do
17 one of the following, as applicable:

18 (a) Except as otherwise provided in subsection 2, allow the
19 person to inspect or copy the public book or record or, if the request
20 is for the person to receive a copy of the public book or record,
21 provide such a copy to the person.

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

25 (1) Notice of the fact that it does not have legal custody or
26 control of the public book or record; and

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

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

34 (1) Provide to the person, in writing, notice of the fact that it
35 is unable to make the public book or record available by that date
36 and the earliest date and time after which the governmental entity
37 reasonably believes the public book or record will be available for
38 the person to inspect or copy or after which a copy of the public
39 book or record will be available to the person. If the public book or
40 record or the copy of the public book or record is not available to
41 the person by that date and time, the governmental entity shall
42 provide to the person, in writing, an explanation of the reason the
43 public book or record is not available and a date and time after
44 which the governmental entity reasonably believes the public book
45 or record will be available for the person to inspect or copy or after



1 which a copy of the public book or record will be available to the
2 person.

3 (2) Make a reasonable effort to assist the requester to focus
4 the request in such a manner as to maximize the likelihood the
5 requester will be able to inspect, copy or receive a copy of the
6 public book or record as expeditiously as possible. *The requester*
7 *must make a reasonable effort to assist the governmental entity to*
8 *focus the request.*

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

12 (1) Notice of that fact; and

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

15 2. If a public book or record of a governmental entity is readily
16 available for inspection or copying, the person who has legal
17 custody or control of the public book or record shall allow a person
18 who has submitted a request to inspect, copy or receive a copy of a
19 public book or record as expeditiously as practicable.

20 **Sec. 4.** This act becomes effective upon passage and approval.



