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MOCK-UP

PROPOSED AMENDMENT 4040 TO  
ASSEMBLY BILL NO. 600  
FIRST REPRINT

PREPARED FOR SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY  
MAY 17, 2007

PREPARED BY THE LEGAL DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

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

- 1     **Section 1.** Chapter 239B of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *An officer, employee or member of a governmental agency or*  
4     *public body is not liable for any civil damages as a result of any act or*  
5     *omission, not amounting to gross negligence, in carrying out the*  
6     *provisions of NRS 239B.030 or 239B.050.*  
7     2. *As used in this section:*  
8     (a) *“Governmental agency” means an officer, board, commission,*  
9     *department, division, bureau, district or any other unit of government of*  
10    *the State or a local government.*  
11    (b) *“Public body” has the meaning ascribed to it in*  
12    *NRS 205.462.*  
13    **Sec. 2.** NRS 239B.030 is hereby amended to read as follows:  
14    239B.030 1. Except as otherwise provided in subsection 2, ~~4~~ **and 6.**  
15    a person shall not include and a governmental agency shall not require a  
16    person to include ~~the social security number of~~ **any personal information**

1 **about** a person on any document that is recorded, filed or otherwise  
2 submitted to the governmental agency on or after January 1, 2007.

3 2. If ~~{the social security number of}~~ **personal information about** a  
4 person is required to be included in a document that is recorded, filed or  
5 otherwise submitted to a governmental agency on or after January 1, 2007,  
6 pursuant to a specific state or federal law, for the administration of a public  
7 program or for an application for a federal or state grant, a governmental  
8 agency shall ensure that the ~~{social security number}~~ **personal information**  
9 is maintained in a confidential manner **or obliterated or otherwise**  
10 **removed by any method, including, without limitation, through the use of**  
11 **computer software**, and may only disclose the ~~{social security number}~~  
12 **personal information** as required:

13 (a) To carry out a specific state or federal law; or

14 (b) For the administration of a public program or an application for a  
15 federal or state grant.

16 **↪ Any action taken by a governmental agency pursuant to this**  
17 **subsection must not be construed as affecting the legality of the**  
18 **document.**

19 3. A governmental agency shall take necessary measures to ensure  
20 that notice of the provisions of this section is provided to persons with  
21 whom it conducts business. Such notice may include, without limitation,  
22 posting notice in a conspicuous place in each of its offices.

23 4. A governmental agency may require a person who records, files or  
24 otherwise submits any document to the governmental agency to provide an  
25 affirmation that the document does not contain ~~{the social security number~~  
26 ~~of}~~ **personal information about** any person. A governmental agency may  
27 refuse to record, file or otherwise accept a document which does not  
28 contain such an affirmation when required and any document which  
29 contains ~~{the social security number of}~~ **personal information about** a  
30 person.

31 5. On or before January 1, 2017, each governmental agency shall  
32 ensure that any ~~{social security number}~~ **personal information** contained  
33 in a document that has been recorded, filed or otherwise submitted to the  
34 governmental agency before January 1, 2007, which the governmental  
35 agency continues to hold is maintained in a confidential manner or is  
36 obliterated or otherwise removed from the document ~~{-}~~, **by any method,**  
37 **including, without limitation, through the use of computer software.** Any  
38 action taken by a governmental agency pursuant to this subsection must  
39 not be construed as affecting the legality of the document.

40 6. **A person may request that a governmental agency obliterate or**  
41 **otherwise remove from any document submitted by the person to the**  
42 **governmental agency before January 1, 2007, any personal information**  
43 **about the person contained in the document. If any documents that have**  
44 **been recorded, filed or otherwise submitted to a governmental agency:**

1 (a) Are maintained in an electronic format that allows the  
2 governmental agency to retrieve components of personal information  
3 through the use of computer software, a request pursuant to this  
4 subsection must identify the components of personal information to be  
5 retrieved. The provisions of this paragraph do not require a  
6 governmental agency to purchase computer software to perform the  
7 service requested pursuant to this subsection

8 (b) Are not maintained in an electronic format or not maintained in  
9 an electronic format in the manner described in paragraph (a), a request  
10 pursuant to this subsection must describe the document with sufficient  
11 specificity to enable the governmental agency to identify the document.

12 ~~↪ The governmental agency shall not charge any fee to perform ~~such a~~~~  
13 ~~the service ~~for~~ requested pursuant to this subsection.~~

14 7. As used in this section ~~[, "governmental"]~~ :

15 (a) "Governmental agency" means an officer, board, commission,  
16 department, division, bureau, district or any other unit of government of  
17 the State or a local government.

18 (b) "Personal information" has the meaning ascribed to it in NRS  
19 603A.040.

20 Sec. 3. NRS 239B.050 is hereby amended to read as follows:

21 239B.050 1. If a public body maintains a website on the Internet,  
22 the public body shall not disclose on that website personal information  
23 unless the disclosure is required by a federal or state ~~[statute or regulation.]~~  
24 ~~law or for the administration of a public program or an application for a~~  
25 ~~federal or state grant.~~

26 2. If it appears that a public body has engaged in or is about to engage  
27 in any act or practice which violates subsection 1, the Attorney General or  
28 the appropriate district attorney may file an action in any court of  
29 competent jurisdiction for an injunction to prevent the occurrence or  
30 continuance of that act or practice.

31 3. An injunction:

32 (a) May be issued without proof of actual damage sustained by any  
33 person.

34 (b) Does not preclude the criminal prosecution and punishment of an  
35 act or practice that may otherwise be prohibited by law.

36 4. As used in this section:

37 (a) "Personal information" has the meaning ascribed to it in NRS  
38 603A.040.

39 (b) "Public body" has the meaning ascribed to it in  
40 NRS 205.462.

41 Sec. 4. NRS 17.150 is hereby amended to read as follows:

42 17.150 1. Immediately after filing a judgment roll the clerk shall  
43 make the proper entries of the judgment, under appropriate heads, in the  
44 docket kept by him, noting thereon the hour and minutes of the day of such  
45 entries.

1 2. A transcript of the original docket or an abstract or copy of any  
2 judgment or decree of a district court of the State of Nevada or the District  
3 Court or other court of the United States in and for the District of Nevada,  
4 the enforcement of which has not been stayed on appeal, certified by the  
5 clerk of the court where the judgment or decree was rendered, may be  
6 recorded in the office of the county recorder in any county, and when so  
7 recorded it becomes a lien upon all the real property of the judgment  
8 debtor not exempt from execution in that county, owned by him at the  
9 time, or which he may afterward acquire, until the lien expires. The lien  
10 continues for 6 years after the date the judgment or decree was docketed,  
11 and is continued each time the judgment or decree is renewed, unless:

12 (a) The enforcement of the judgment or decree is stayed on appeal by  
13 the execution of a sufficient undertaking as provided in the Nevada Rules  
14 of Appellate Procedure or by the Statutes of the United States, in which  
15 case the lien of the judgment or decree and any lien by virtue of an  
16 attachment that has been issued and levied in the actions ceases;

17 (b) The judgment is for arrearages in the payment of child support, in  
18 which case the lien continues until the judgment is satisfied;

19 (c) The judgment is satisfied; or

20 (d) The lien is otherwise discharged.

21 ↪ The time during which the execution of the judgment is suspended by  
22 appeal, action of the court or defendant must not be counted in computing  
23 the time of expiration.

24 3. The abstract described in subsection 2 must contain the:

25 (a) Title of the court and the title and number of the action;

26 (b) Date of entry of the judgment or decree;

27 (c) Names of the judgment debtor and judgment creditor;

28 (d) Amount of the judgment or decree; and

29 (e) Location where the judgment or decree is entered in the minutes or  
30 judgment docket.

31 4. A judgment creditor who records a judgment or decree shall record  
32 at that time an affidavit stating:

33 (a) The name and address of the judgment debtor;

34 (b) The judgment debtor's driver's license number and state of  
35 issuance or the *last four digits of the* judgment debtor's social security  
36 number; and

37 (c) The judgment debtor's date of birth,

38 ↪ if known to the judgment creditor. If any of the information is not  
39 known, the affidavit must include a statement of that fact.

40 **Sec. 5.** NRS 122.160 is hereby amended to read as follows:

41 122.160 1. Marriages between Indians performed in accordance  
42 with tribal customs within closed Indian reservations and Indian colonies  
43 have the same validity as marriages performed in any other manner  
44 provided for by the laws of this State, if there is recorded in the county in  
45 which the marriage takes place, within 30 days after the performance of

1 the tribal marriage, a certificate declaring the marriage to have been  
2 performed.

3 2. The certificate of declaration required to be recorded by subsection  
4 1 must include the names of the persons married, their ages, ~~social~~  
5 ~~security numbers,~~ tribe, and place and date of marriage. The certificate  
6 must be signed by an official of the tribe, reservation or colony.

7 3. The certificate must be recorded with the recorder of the county in  
8 which the marriage was performed and recorded by him without charge.

9 **Sec. 6.** NRS 247.090 is hereby amended to read as follows:  
10 247.090 ~~{A}~~

11 **1. Except as otherwise provided in subsection 2 and NRS 239B.030,**  
12 **all** documents on file in the office of the county recorder, must, during  
13 office hours, be open for inspection by any person without charge. The  
14 county recorder must arrange the books of record and indexes in his office  
15 in such suitable places as to facilitate their inspection.

16 **2. A county recorder may allow inspection and copying of records**  
17 **containing personal information about a deceased or incapacitated**  
18 **person by a spouse, widow or widower, parent, sibling, child, guardian or**  
19 **personal representative of the person. As used in this subsection,**  
20 **"personal information" has the meaning ascribed to in NRS 603A.040.**

21 **Sec. 7.** NRS 440.135 is hereby amended to read as follows:

22 440.135 1. The Board shall prescribe, and the State Registrar shall  
23 furnish in sufficient numbers to each county clerk for distribution, a form  
24 for the reporting of divorces and annulments of marriage.

25 2. The information required by such form must be limited to:

- 26 (a) The names ~~and social security numbers~~ of the parties;  
27 (b) The court and county in which the decree is granted; and  
28 (c) The date of the decree.

29 **Sec. 8.** NRS 603A.040 is hereby amended to read as follows:

30 603A.040 "Personal information" means a natural person's first name  
31 or first initial and last name in combination with any one or more of the  
32 following data elements, when the name and data elements are not  
33 encrypted:

34 1. Social security number.

35 2. Driver's license number or identification card number.

36 3. Account number, credit card number or debit card number, in  
37 combination with any required security code, access code or password that  
38 would permit access to the person's financial account.

39 ↪ The term does not include **the last four digits of a social security**  
40 **number or** publicly available information that is lawfully made available  
41 to the general public.

42 **Sec. 9.** 1. This section, section 1 and sections 3 to 8, inclusive, of  
43 this act become effective upon passage and approval.

44 2. Section 2 of this act becomes effective on January 1, 2008.