

Amendment No. 477

Senate Amendment to Senate Bill No. 481	(BDR 20-1114)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JMM/HAC



Date: 4/16/2015

S.B. No. 481—Prescribes certain requirements relating to the receipt, maintenance and disclosure by a county or incorporated city of certain information of a public utility. (BDR 20-1114)



SENATE BILL NO. 481—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—~~Prescribes certain requirements relating to the receipt, maintenance and disclosure by a county or incorporated city of certain information of a public utility.~~ **Revises provisions relating to counties and cities.** (BDR 20-1114)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 local governments; prohibiting a county or incorporated city from ~~requiring a public utility to provide to the county or city information relating to~~ **creating, maintaining or displaying in any format a comprehensive model or map of the physical** location of **all or a substantial portion of** the facilities or critical infrastructure of ~~the~~ **a public utility unless the county or city demonstrates to the utility a compelling need for the information and that the county or city will maintain the information securely and confidentially; prohibiting** **public water system or video service provider; authorizing** a county or city ~~from requiring certain information to be submitted in a digital format or from digitizing such information for certain purposes; providing that such information is not a public record and that the information is subject to disclosure by a county or city only under certain circumstances; providing for the indemnification of the public utility by a county or city for any damages, loss or other harm as the result of the improper disclosure of such information by the county or city;~~ **to require a public utility, public water system, video service provider or any other person to disclose information relating to the physical location of the facilities or critical infrastructure of a public utility, public water system or video service provider only under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits a county and incorporated city, respectively, from ~~requiring a public~~
2 ~~utility to provide to the county or city information relating to~~ **creating, maintaining or**
3 **displaying in any format, including, without limitation, a digital or electronic format, a**
4 **comprehensive model or map of** the location of **all or a substantial portion of** the facilities
5 or critical infrastructure of ~~the~~ **a public utility unless the county or city demonstrates to the**

satisfaction of the utility that the county or city has a compelling need for the information and that the county or city will maintain the information securely and confidentially.] public water system or video service provider. This bill further ~~prohibits~~ authorizes a county or city ~~from:~~ (1) requiring such information to be submitted in a digital format; and (2) digitizing any document provided by a public utility or any information contained therein for the purpose of digitally mapping or creating a digital model of the location of the facilities and critical infrastructure of the utility. This bill provides that such information provided to a county or city by a public utility is not a public record and, with certain exceptions, is privileged and confidential. This bill authorizes the disclosure by a county or city of such information: (1) to certain persons or entities that may need access to the information in relation to the compelling need for which the information was provided to the county or city; (2) to a law enforcement agency; (3) upon the order of a court; and (4) pursuant to any other provision of state or federal law specifically requiring the disclosure of the information. This bill provides for the indemnification of the public utility by a county or city for any damages, loss or other harm as the result of the improper disclosure of such information by the county or city. to require a public utility, public water system or video service provider or any other person to provide information to the county or city relating to the physical location of the facilities or critical infrastructure of the public utility, public water system or video service provider pursuant to certain agreements executed between the public utility, public water system, video service provider or person and the county or city, respectively.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county, including, without limitation, any board, planning agency or other political subdivision of the county, shall not:

~~(a) Require a public utility to provide to the county any information relating to the physical location of the facilities or critical infrastructure of the public utility unless the county can demonstrate to the satisfaction of the public utility that:~~

~~(1) The county has a compelling need for the information; and~~

~~(2) The information provided by the public utility will be maintained securely and confidentially.~~

~~(b) Require a public utility to provide to any person or governmental entity, including, without limitation, the county, any information relating to the physical location of the facilities or critical infrastructure of the public utility in a digital format.~~

~~(c) Digitize any documents provided to the county by a public utility or any information contained therein for the purposes of digitally mapping or creating a digital model of the location of the facilities or critical infrastructure of the public utility.~~

2. If a public utility, at the request of a county, provides any information to the county relating to the physical location of the facilities or critical infrastructure of the public utility:

~~(a) The information is not a public record and, except as otherwise provided in paragraph (b), the information is privileged and confidential information and must not be disclosed to any person.~~

~~(b) The information may be disclosed only:~~

~~(1) To an officer or employee of the county or a state agency, or to an independent contractor under contract with the county or a state agency, for the~~

~~purpose of using the information in accordance with the specific compelling need for which the information was requested;~~

~~(2) To a law enforcement agency;~~

~~(3) Upon the order of a court of competent jurisdiction; or~~

~~(4) Pursuant to any other provision of state or federal law which specifically requires the disclosure of such information.~~

~~3. The county shall indemnify the public utility against any damages, loss or other harm suffered by the public utility that is caused by or the direct result of the disclosure of any information in a manner not authorized pursuant to this section.~~

~~4) create, maintain or display in any format, including, without limitation, a digital or electronic format, a comprehensive model or map of the physical location of all or a substantial portion of the facilities or critical infrastructure of a public utility, public water system or video service provider.~~

~~2. A county, including, without limitation, any board, planning agency or other political subdivision of the county, may require a public utility, public water system, video service provider or other person to provide information about the physical location of the facilities or critical infrastructure of the public utility, public water system or video service provider only pursuant to a franchise, right-of-way or similar occupancy agreement entered into with the public utility, public water system, video service provider or other person.~~

~~3. As used in this section:~~

~~(a) "Critical infrastructure" means any asset of a public utility, public water system or video service provider that is essential for the operation of the public utility, public water system or video service provider, as applicable.~~

~~(b) "Public utility" has the meaning ascribed to it in NRS 704.020.~~

~~(c) "Public water system" has the meaning ascribed to it in NRS 445A.235.~~

~~(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.~~

~~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, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09120, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.200, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271,~~

~~392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.260, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.240, 483.262, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.121, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.122, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.240, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.120, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.023, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.280, 676A.240, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 682A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, and sections 1 and 3 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 291, Statutes of Nevada 2012 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 229.020, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An incorporated city, including, without limitation, any board, planning agency or other political subdivision of the city, shall not:

~~(a) Require a public utility to provide to the city any information relating to the physical location of the facilities or critical infrastructure of the public utility unless the city can demonstrate to the satisfaction of the public utility that:~~

~~(1) The city has a compelling need for the information; and~~

~~(2) The information provided by the public utility will be maintained securely and confidentially.~~

~~(b) Require a public utility to provide to any person or governmental entity, including, without limitation, the city, any information relating to the physical location of the facilities or critical infrastructure of the public utility in a digital format.~~

~~(c) Digitize any documents provided to the city by a public utility or any information contained therein for the purposes of digitally mapping or creating a digital model of the location of the facilities or critical infrastructure of the public utility.~~

2. If a public utility, at the request of an incorporated city, provides any information to the city relating to the physical location of the facilities or critical infrastructure of the public utility:

~~(a) The information is not a public record and, except as otherwise provided in paragraph (b), the information is privileged and confidential information and must not be disclosed to any person.~~

~~(b) The information may be disclosed only:~~

~~(1) To an officer or employee of the city or a state agency, or to an independent contractor under contract with the city or a state agency, for the purpose of using the information in accordance with the specific compelling need for which the information was requested;~~

~~(2) To a law enforcement agency;~~

~~(3) Upon the order of a court of competent jurisdiction; or~~

~~(4) Pursuant to any other provision of state or federal law which specifically requires the disclosure of such information.~~

3. The city shall indemnify the public utility against any damages, loss or other harm suffered by the public utility that is caused by or the direct result of the disclosure of any information in a manner not authorized pursuant to this section.

4. create, maintain or display in any format, including, without limitation, a digital or electronic format, a comprehensive model or map of the physical location of all or a substantial portion of the facilities or critical infrastructure of a public utility, public water system or video service provider.

2. An incorporated city, including, without limitation, any board, planning agency or other political subdivision of the city, may require a public utility, public water system, video service provider or other person to provide information about the physical location of the facilities or critical infrastructure of the public utility, public water system or video service provider only pursuant to a franchise, right-of-way or similar occupancy agreement entered into with the public utility, public water system, video service provider or other person.

3. As used in this section:

1 (a) "Critical infrastructure" means any asset of a public utility, public water
2 system or video service provider that is essential for the operation of the public
3 utility, ~~or~~, public water system or video service provider, as applicable.

4 (b) "Public utility" has the meaning ascribed to it in NRS 704.020.

5 (c) "Public water system" has the meaning ascribed to it in NRS 445A.235.

6 (d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

7 Sec. 4. This act becomes effective ~~upon passage and approval,~~ on July 1,
8 2015.