

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. (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 the location of the facilities or critical infrastructure of the 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 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits a county and incorporated city, respectively, from requiring a
2 public utility to provide to the county or city information relating to the location of
3 the facilities or critical infrastructure of the public utility unless the county or city
4 demonstrates to the satisfaction of the utility that the county or city has a
5 compelling need for the information and that the county or city will maintain the
6 information securely and confidentially. This bill further prohibits a county or city
7 from: (1) requiring such information to be submitted in a digital format; and (2)



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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.

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. As used in this section:

(a) "Critical infrastructure" means any asset of a public utility that is essential for the operation of the public utility.

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

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, 176.09129, 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,



1 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
2 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
3 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
4 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
5 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
6 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
7 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
8 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
9 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
10 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
11 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
12 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
13 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
14 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
15 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
16 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110,
17 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
18 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,
19 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,
20 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
21 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212,
22 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315,
23 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
24 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
25 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
26 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
27 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
28 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
29 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
30 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
31 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
32 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
33 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077,
34 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
35 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420,
36 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
37 706.1725, 710.159, 711.600, *and sections 1 and 3 of this act,*
38 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and
39 section 2 of chapter 391, Statutes of Nevada 2013 and unless
40 otherwise declared by law to be confidential, all public books and
41 public records of a governmental entity must be open at all times
42 during office hours to inspection by any person, and may be fully
43 copied or an abstract or memorandum may be prepared from those
44 public books and public records. Any such copies, abstracts or
45 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 239.030, 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.

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. As used in this section:

(a) “Critical infrastructure” means any asset of a public utility that is essential for the operation of the public utility.

(b) “Public utility” has the meaning ascribed to it in NRS 704.020.

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

