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SENATE BILL NO. 28—COMMITTEE ON GOVERNMENT AFFAIRS

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

PREFILED DECEMBER 20, 2014

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Referred to Committee on Government Affairs

**SUMMARY**—Clarifies provisions governing the fees that may be charged for providing copies of certain public records. (BDR 19-464)

**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.

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**AN ACT** relating to public records; authorizing a governmental entity to charge for the actual cost of time utilized by an employee when responding to a request for a public record that requires an extraordinary use of personnel; defining the term “extraordinary use of its personnel or technological resources”; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law allows a governmental entity to charge a fee for providing a copy  
2 of certain public records. Any such fee may not exceed the actual cost incurred by  
3 the entity for making the copy of the record. (NRS 239.052) Existing law also  
4 allows a governmental entity to charge an additional fee, not to exceed 50 cents per  
5 page, if the request requires the governmental entity to make extraordinary use of  
6 its personnel or technological resources. (NRS 239.055) This bill defines what  
7 constitutes an “extraordinary use of personnel or technological resources” and  
8 allows a governmental entity to charge a fee for the actual cost of time utilized by  
9 an employee when responding to a request for public records that requires an  
10 extraordinary use of personnel.

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

1       **Section 1.** NRS 239.055 is hereby amended to read as follows:  
2       239.055 1. Except as otherwise provided in NRS 239.054  
3 regarding information provided from a geographic information  
4 system, if a request for a copy of a public record would require a  
5 governmental entity to make extraordinary use of its personnel or  
6 technological resources, the governmental entity may, in addition to  
7 any other fee authorized pursuant to this chapter ~~[, charge]~~ :

8       (a) *Charge* a fee not to exceed 50 cents per page *or, for a*  
9 *request for a record to be delivered electronically, 50 cents per the*  
10 *equivalent amount of electronic data that, if printed using a type*  
11 *size not greater than 12 characters per inch, would fill a page,* for  
12 such extraordinary use ~~[. Such a]~~ ; and

13       (b) *Charge an additional fee equal to the actual cost of the*  
14 *time required for an employee of the governmental entity to*  
15 *comply with the request.*

16       2. *Any such* request must be made in writing ~~[.]~~ and , upon  
17 receiving such a request, the governmental entity shall inform the  
18 requester, in writing, of the amount of the fee before preparing the  
19 requested information. The fee charged by the governmental entity  
20 must be reasonable and must be based on the cost that the  
21 governmental entity actually incurs for the extraordinary use of its  
22 personnel or technological resources. The governmental entity shall  
23 not charge such a fee if the governmental entity is not required to  
24 make extraordinary use of its personnel or technological resources  
25 to fulfill additional requests for the same information.

26       ~~[2.]~~ 3. As used in this section ~~[, "technological"]~~ :

27       (a) *"Extraordinary use of its personnel or technological*  
28 *resources"* means any request for a copy of a public record that:

29       (1) *Requires an employee of a governmental entity to devote*  
30 *more than 30 minutes of his or her time to comply with the*  
31 *request; or*

32       (2) *Requires the governmental entity to produce or copy*  
33 *more than 25 pages of records or, for a request for a record to be*  
34 *delivered electronically, the equivalent amount of electronic data*  
35 *that, if printed using a type size not greater than 12 characters per*  
36 *inch, would produce more than 25 pages of records, to comply*  
37 *with the request.*

38       (b) *"Technological* resources" means any information,  
39 information system or information service acquired, developed,  
40 operated, maintained or otherwise used by a governmental entity.



1     **Sec. 2.**   This act becomes effective on July 1, 2015.

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