

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB494

Chairperson: Senator John Murante

Committee: Government, Military and Veterans Affairs

Date of Hearing: February 02, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 494 amends the Nebraska public records statutes to create an additional category of public records that can be lawfully withheld from public disclosure. The purpose of the exemption is to allow public electric utility systems to protect data, maps, and information regarding critical physical and cyber infrastructure. This is a growing area of concern in many industries, and of particular concern in the utility industry.

Similar information protections were provided by Congress through passage of the Fixing America's Surface Transportation (FAST) Act which directed the Federal Energy Regulatory Commission (FERC) to issue regulations aimed at securing sensitive infrastructure information and to prohibit the unauthorized disclosure of such information. On December 21, 2016, FERC published its final rule implementing the critical energy infrastructure information (CEII) provisions of the FAST Act. The purpose of LB 494 is to provide similar protection in Nebraska's public records laws as most Nebraskans may be unaware of the federal provisions or where to find them.

LB 494 includes another provision not included in the federal protections. LB 494 protects the identity of employees working in positions with key access to critical infrastructure assets or information about such assets. While the identity of the individual would be protected, other information about these positions would remain public and disclosable such as salary information. The concern is that the identity of these individuals could be used to threaten them or their families in order to gain access to or information about critical cyber or physical infrastructure.

Principal Introducer: _____

Senator Tom Briese