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ASSEMBLY BILL NO. 284—ASSEMBLYMEN CHRISTENSEN;  
ANDERSON, ATKINSON, GANSERT, HAMBRICK,  
KIRKPATRICK, MANENDO, MCARTHUR AND SETTELMAYER

MARCH 10, 2009

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JOINT SPONSORS: SENATORS HARDY; CEGAVSKE AND LEE

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing homeland security.  
(BDR 19-517)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
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 homeland security; increasing the number of voting members of the Nevada Commission on Homeland Security; revising provisions governing the confidentiality of vulnerability assessments and emergency response plans of utilities in this State; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law creates the Nevada Commission on Homeland Security and  
2 requires the Governor to appoint to the Commission 14 voting members that he  
3 determines to be appropriate, including certain mandatory appointments. (NRS  
4 239C.120) **Section 1** of this bill increases the number of voting members of the  
5 Commission to 16 and requires the Governor to appoint two voting members who  
6 reflect the ethnic and geographical diversity of this State.

7 Existing law provides that the Governor may, by executive order, determine  
8 that certain documents, records and other information relating to preventing and  
9 responding to acts of terrorism are confidential. Such documents, records and other  
10 information are not subject to subpoena or discovery, not subject to inspection by  
11 the general public and may only be inspected by and released to public safety and  
12 public health personnel. (NRS 239C.210) **Section 2** of this bill extends that  
13 authority to include vulnerability assessments and emergency response plans of  
14 utilities in this State.



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

1     **Section 1.** NRS 239C.120 is hereby amended to read as  
2 follows:

3     239C.120 1. The Nevada Commission on Homeland Security  
4 is hereby created.

5     2. The Governor shall appoint to the Commission ~~14~~ **16**  
6 voting members that he determines to be appropriate and who serve  
7 at his pleasure, which must include at least:

8     (a) The sheriff of each county whose population is 100,000 or  
9 more;

10    (b) The chief of the county fire department in each county  
11 whose population is 100,000 or more;

12    (c) A member of the medical community in a county whose  
13 population is 400,000 or more; ~~and~~

14    (d) An employee of the largest incorporated city in each county  
15 whose population is 400,000 or more ~~;~~ **and**

16    ***(e) Two members who reflect the ethnic and geographical***  
17 ***diversity of this State.***

18    3. The Governor shall appoint:

19    (a) An officer of the United States Department of Homeland  
20 Security whom the Department of Homeland Security has  
21 designated for this State; and

22    (b) The agent in charge of the office of the Federal Bureau of  
23 Investigation in this State,

24    ↳ as nonvoting members of the Commission.

25    4. The ~~Senate~~ Majority Leader ***of the Senate*** shall appoint  
26 one member of the Senate as a nonvoting member of the  
27 Commission.

28    5. The Speaker of the Assembly shall appoint one member of  
29 the Assembly as a nonvoting member of the Commission.

30    6. Except for the initial members, the term of office of each  
31 member of the Commission who is a Legislator is 2 years and  
32 commences on July 1 of the year of appointment.

33    7. The Governor or his designee shall:

34    (a) Serve as Chairman of the Commission; and

35    (b) Appoint a member of the Commission to serve as Vice  
36 Chairman of the Commission.

37     **Sec. 2.** NRS 239C.210 is hereby amended to read as follows:

38     239C.210 1. A document, record or other item of information  
39 described in subsection 2 that is prepared and maintained for the  
40 purpose of preventing or responding to an act of terrorism is



1 confidential, not subject to subpoena or discovery, not subject to  
2 inspection by the general public and may only be inspected by or  
3 released to public safety and public health personnel if the Governor  
4 determines, by executive order, that the disclosure or release of the  
5 document, record or other item of information would thereby create  
6 a substantial likelihood of compromising, jeopardizing or otherwise  
7 threatening the public health, safety or welfare.

8 2. The types of documents, records or other items of  
9 information subject to executive order pursuant to subsection 1 are  
10 as follows:

11 (a) Assessments, plans or records that evaluate or reveal the  
12 susceptibility of fire stations, police stations and other law  
13 enforcement stations to acts of terrorism or other related  
14 emergencies.

15 (b) Drawings, maps, plans or records that reveal the critical  
16 infrastructure of primary buildings, facilities and other structures  
17 used for storing, transporting or transmitting water or electricity,  
18 natural gas or other forms of energy.

19 (c) Documents, records or other items of information which may  
20 reveal the details of a specific emergency response plan or other  
21 tactical operations by a response agency and any training relating to  
22 such emergency response plans or tactical operations.

23 (d) Handbooks, manuals or other forms of information detailing  
24 procedures to be followed by response agencies in the event of an  
25 act of terrorism or other related emergency.

26 (e) Documents, records or other items of information that reveal  
27 information pertaining to specialized equipment used for covert,  
28 emergency or tactical operations of a response agency, other than  
29 records relating to expenditures for such equipment.

30 (f) Documents, records or other items of information regarding  
31 the infrastructure and security of frequencies for radio transmissions  
32 used by response agencies, including, without limitation:

33 (1) Access codes, passwords or programs used to ensure the  
34 security of frequencies for radio transmissions used by response  
35 agencies;

36 (2) Procedures and processes used to ensure the security of  
37 frequencies for radio transmissions used by response agencies; and

38 (3) Plans used to reestablish security and service with respect  
39 to frequencies for radio transmissions used by response agencies  
40 after security has been breached or service has been interrupted.

41 ***(g) Vulnerability assessments and emergency response plans***  
42 ***of utilities in this State.***

43 3. If a person knowingly and unlawfully discloses a document,  
44 record or other item of information subject to an executive order  
45 issued pursuant to subsection 1 or assists, solicits or conspires with



1 another person to disclose such a document, record or other item of  
2 information, the person is guilty of:

3 (a) A gross misdemeanor; or

4 (b) A category C felony and shall be punished as provided in  
5 NRS 193.130 if the person acted with the intent to:

6 (1) Commit, cause, aid, further or conceal, or attempt to  
7 commit, cause, aid, further or conceal, any unlawful act involving  
8 terrorism or sabotage; or

9 (2) Assist, solicit or conspire with another person to commit,  
10 cause, aid, further or conceal any unlawful act involving terrorism  
11 or sabotage.

12 4. As used in this section, "public safety and public health  
13 personnel" includes:

14 (a) State, county and city emergency managers;

15 (b) Members and staff of terrorism early warning centers or  
16 fusion intelligence centers in this State;

17 (c) Employees of fire-fighting or law enforcement agencies, if  
18 the head of the agency has designated the employee as having an  
19 operational need to know information that is prepared or maintained  
20 for the purpose of preventing or responding to an act of terrorism;  
21 and

22 (d) Employees of a public health agency, if the agency is one  
23 that would respond to a disaster and if the head of the agency has  
24 designated the employee as having an operational need to know  
25 information that is prepared or maintained for the purpose of  
26 preventing or responding to an act of terrorism. As used in this  
27 paragraph, "disaster" has the meaning ascribed to it in  
28 NRS 414.0335.

29 **Sec. 3.** NRS 239C.270 is hereby amended to read as follows:

30 239C.270 1. Each utility shall:

31 (a) Conduct a vulnerability assessment in accordance with the  
32 requirements of the federal and regional agencies that regulate the  
33 utility; and

34 (b) Prepare and maintain an emergency response plan in  
35 accordance with the requirements of the federal and regional  
36 agencies that regulate the utility.

37 2. Each utility shall:

38 (a) As soon as practicable but not later than December 31, 2003,  
39 submit its vulnerability assessment and emergency response plan to  
40 the Division; and

41 (b) At least once each year thereafter, review its vulnerability  
42 assessment and emergency response plan and, as soon as practicable  
43 after its review is completed but not later than December 31 of each  
44 year, submit the results of its review and any additions or  
45 modifications to its emergency response plan to the Division.



1 3. Except as otherwise provided in NRS 239.0115, each  
2 vulnerability assessment and emergency response plan of a utility  
3 and any other information concerning a utility that is necessary to  
4 carry out the provisions of this section is confidential and must be  
5 securely maintained by each person or entity that has possession,  
6 custody or control of the information.

7 4. ~~4.~~ *Except as otherwise provided in NRS 239C.210, a*  
8 person shall not disclose such information, except:

9 (a) Upon the lawful order of a court of competent jurisdiction;

10 (b) As is reasonably necessary to carry out the provisions of this  
11 section or the operations of the utility, as determined by the  
12 Division;

13 (c) As is reasonably necessary in the case of an emergency  
14 involving public health or safety, as determined by the Division; or

15 (d) Pursuant to the provisions of NRS 239.0115.

16 5. If a person knowingly and unlawfully discloses such  
17 information or assists, solicits or conspires with another person to  
18 disclose such information, the person is guilty of:

19 (a) A gross misdemeanor; or

20 (b) A category C felony and shall be punished as provided in  
21 NRS 193.130 if the person acted with the intent to:

22 (1) Commit, cause, aid, further or conceal, or attempt to  
23 commit, cause, aid, further or conceal, any unlawful act involving  
24 terrorism or sabotage; or

25 (2) Assist, solicit or conspire with another person to commit,  
26 cause, aid, further or conceal any unlawful act involving terrorism  
27 or sabotage.

28 **Sec. 4.** This act becomes effective on July 1, 2009.

