

CHAPTER.....

AN ACT relating to homeland security; creating the Nevada Commission on Homeland Security; setting forth the membership and duties of the Commission; providing certain exceptions to the open meeting law; requiring certain political subdivisions to adopt and maintain a response plan; establishing a plan for the continuation of state and local governmental operations; requiring certain utilities to conduct vulnerability assessments and to prepare emergency response plans; revising provisions relating to certain unlawful acts committed against utilities; requiring the Director of the Department of Information Technology to determine the confidentiality of certain records relating to the security of the State; providing for the confidentiality of certain documents, records and other information; imposing certain requirements for interoperability with respect to information and communication systems purchased by this state and local governments; requiring certain governmental entities to place automated external defibrillators in certain buildings and facilities; making various changes with respect to the authority of the Department of Motor Vehicles to accept and reject certain documents; increasing certain criminal penalties with respect to the fraudulent use of drivers' licenses and identification cards; making an appropriation; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. The tragic events of September 11, 2001, have refocused attention on the importance of domestic preparedness for acts of terrorism and related emergencies.

2. The events of September 11, 2001, not only impacted our homeland, but also the way of life for all Nevadans.

3. More than ever, the Nevada Legislature, representatives of local government, law enforcement and other public safety personnel, health care workers and technical service providers must lead the charge in fighting against these destructive and demoralizing acts of violence with strong and effective procedural deterrents and enhanced criminal penalties.

4. While local efforts and plans to respond to acts of terrorism and related emergencies are comprehensive, additional statewide provisions are necessary to adequately prepare for acts of cyber-terrorism, environmental catastrophes and other related incidents.

5. As a result of the increased threat of terrorism, the Legislature is compelled to address critical infrastructures, governmental oversight and continuity, communications, and the protection of important government documents and plans.

6. It is therefore within the public interest that the Legislature enact provisions to:

(a) Protect sensitive state documents and computer systems from cyber-terrorism;

(b) Secure the State's energy, telecommunications and water infrastructures;

(c) Ensure the continuity of government in the event of a terrorist attack;

(d) Develop policies providing for effective communication and interoperability among federal, state and local law enforcement and other first responders;

(e) Provide safeguards in the issuance of government identification; and

(f) Create an effective and comprehensive state oversight structure to coordinate these and other antiterrorism initiatives.

Sec. 3. (Deleted by amendment.)

Sec. 4. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 11, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. 1. "Act of terrorism" means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:

(a) Cause great bodily harm or death to the general population; or

(b) Cause substantial destruction, contamination or impairment of:

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

2. As used in this section, "coercion" does not include an act of civil disobedience.

Sec. 6. "Commission" means the Nevada Commission on Homeland Security created by section 12 of this act.

Sec. 7. "Governmental utility" means:

1. Any utility that is owned, operated or controlled by this state or an agency or instrumentality of this state, including, without limitation, the Colorado River Commission of Nevada.

2. Any utility that is owned, operated or controlled by any county, city, town, general improvement district, special district or other local governmental entity under the authority of any general law, special law or city charter or any cooperative, interlocal or other agreement.

Sec. 8. "Information system" means any computer equipment, computer software, procedures or technology used to collect, process, distribute or store information that is related to the protection of homeland security.

Sec. 9. "Political subdivision" means a city or county of this state.

Sec. 10. "Response agency" means an agency of this state or of a political subdivision that provides services related to law enforcement, firefighting, emergency medical care or public safety, including, without limitation, the Nevada National Guard.

Sec. 10.3. "Restricted document" means any blueprint or plan of a school, place of worship, airport, gaming establishment, governmental building or any other building or facility which is likely to be targeted for a terrorist attack.

Sec. 10.7. "System of communication" includes, without limitation, any public safety radio system or telecommunication system.

Sec. 11. 1. "Utility" means any public or private entity that:

(a) Provides water service, electric service or natural gas service to 500 or more service locations; or

(b) Operates any pipeline that is necessary to provide such service.

2. The term includes, without limitation:

(a) A governmental utility.

(b) A public utility that is regulated by the Public Utilities Commission of Nevada pursuant to chapter 704 of NRS.

(c) A rural electric cooperative established pursuant to chapter 81 of NRS.

(d) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

(e) A community water system that is subject to the requirements of 42 U.S.C. § 300i-2.

Sec. 12. 1. The Nevada Commission on Homeland Security, consisting of the members appointed pursuant to this section, is hereby created.

2. *The Governor shall appoint to the Commission a number of members that he determines to be appropriate, except that the Commission must include at least:*

(a) One member who is a representative of a Nevada law enforcement agency; and

(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.

3. *The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.*

4. *The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.*

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

6. *The Governor or his designee shall:*

(a) Serve as Chairman of the Commission; and

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

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. *The Commission shall meet at the call of the Chairman as frequently as required to perform its duties, but no less than quarterly.*

2. *A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Commission.*

Sec. 15. 1. *Each member of the Commission who is not a public employee is entitled to receive compensation of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.*

2. *A member of the Commission who is a public employee may not receive any compensation for his services as a member of the Commission. Any member of the Commission who is a public employee must be granted administrative leave from his duties to engage in the business of the Commission without loss of his regular compensation. Such leave does not reduce the amount of the member's other accrued leave.*

3. *Except during a regular or special session of the Legislature, each legislative member of the Commission is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Commission or is otherwise engaged in the business of the Commission. The compensation*

and expenses of the legislative members of the Commission must be paid from the Legislative Fund.

4. In addition to any compensation received pursuant to this section, while engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 16. *1. Except as otherwise provided in subsections 2 and 3, the Commission shall comply with the provisions of chapter 241 of NRS and all meetings of the Commission must be conducted in accordance with that chapter.*

2. The Commission may hold a closed meeting to:

(a) Receive security briefings;

(b) Discuss procedures for responding to acts of terrorism and related emergencies; or

(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure, if the Commission determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. All information and materials received or prepared by the Commission during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

Sec. 17. *The Commission shall, within the limits of available money:*

1. Make recommendations to the Governor, the Legislature, agencies of this state, political subdivisions, businesses located within this state and private persons who reside in this state with respect to actions and measures that may be taken to protect residents of this state and visitors to this state from potential acts of terrorism and related emergencies.

2. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this state and visitors to this state.

3. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this state and visitors to this state, including, without limitation, airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public

buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

4. Examine the use, deployment and coordination of response agencies within this state to ensure that those agencies are adequately prepared to protect residents of this state and visitors to this state from acts of terrorism and related emergencies.

5. Assess, examine and review the use of information systems and systems of communication used by response agencies within this state to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this state.

6. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

7. To the extent practicable, cooperate and coordinate with the Division of Emergency Management of the Department of Public Safety to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

8. Perform any other acts related to their duties set forth in subsections 1 to 7, inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 17.5. *On or before February 15 of each year, the Governor shall:*

1. Prepare a report setting forth:

(a) The activities of the Commission; and

(b) A description of any matters with respect to which the Commission held a closed meeting or closed a portion of a meeting, if any, accompanied by an explanation of the reasons why the Commission determined that the meeting or portion thereof needed to be closed; and

2. Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

- (a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or*
- (b) If the Legislature is not in session, the Legislative Commission.*

Sec. 18. *The Chairman of the Commission may, with the approval of the Commission, appoint committees from its members to assist in carrying out the duties of the Commission.*

Sec. 19. *The Governor shall provide such staff assistance to the Commission as he deems appropriate and may designate a state agency to provide such assistance.*

Sec. 20. *The Commission may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of this chapter and to defray expenses incurred by the Commission in the discharge of its duties.*

Sec. 21. 1. *A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery and not subject to inspection by the general public if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare.*

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

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

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

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

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

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

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

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

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

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

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

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

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

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

Sec. 22. *1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:*

(a) His name;

(b) A copy of his driver's license or other photographic identification that is issued by a governmental entity;

(c) The name of his employer, if any;

(d) His citizenship; and

(e) Except as otherwise provided in this paragraph, a statement of the purpose for the inspection. A person is not required to indicate the purpose for inspecting a restricted document if the person is an employee of any fire-fighting or law enforcement agency.

2. Except as otherwise provided in subsection 3, a public officer or employee shall observe any person while the person inspects a restricted document in a location and in a manner which ensures that the person does not copy, duplicate or reproduce the restricted document in any way.

3. A restricted document may be copied, duplicated or reproduced:

- (a) Upon the lawful order of a court of competent jurisdiction;
- (b) As is reasonably necessary in the case of an act of terrorism or other related emergency;
- (c) To protect the rights and obligations of a governmental entity or the public;
- (d) Upon the request of a reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station and who uses the restricted document in the course of such employment or affiliation; or
- (e) Upon the request of a registered architect, licensed contractor or a designated employee of any such architect or contractor who uses the restricted document in his professional capacity.

4. A public officer or employee shall inform any person who inspects a restricted document of the provisions of this section.

Sec. 23. 1. A public officer or employee who is the custodian of a restricted document shall establish a log to record:

- (a) The information described in subsection 1 of section 22 of this act when a person is allowed to inspect the document; and
- (b) The date and time of the inspection.

2. The log is not a public record and may be inspected only by:

- (a) A representative of a law enforcement agency; or
- (b) A reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station.

Sec. 24. Nothing in section 22 or 23 of this act shall be deemed to prohibit a public officer or employee from contacting a law enforcement agency to report a suspicious or unusual request to inspect a restricted document.

Sec. 25. 1. Each political subdivision shall adopt and maintain a response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:

- (a) The Division of Emergency Management of the Department of Public Safety; and
- (b) Each response agency that provides services to the political subdivision.

2. The response plan required by subsection 1 must include:

- (a) A drawing or map of the layout and boundaries of the political subdivision;
- (b) A drawing or description of the streets and highways within, and leading into and out of, the political subdivision, including any approved routes for evacuation;

(c) *The location and inventory of emergency response equipment and resources within the political subdivision;*

(d) *The location of any unusually hazardous substances within the political subdivision;*

(e) *A telephone number that may be used by residents of the political subdivision to receive information and to make reports with respect to an act of terrorism or related emergency;*

(f) *The location of one or more emergency response command posts that are located within the political subdivision;*

(g) *A depiction of the location of each police station, sheriff's office and fire station that is located within the political subdivision;*

(h) *Plans for the continuity of the operations and services of the political subdivision, which plans must be consistent with the provisions of section 26 of this act; and*

(i) *Any other information that the Commission may determine to be relevant.*

3. *A plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the entities with whom it is filed pursuant to subsection 1. An officer, employee or other person to whom the plan is entrusted by the entity with whom it is filed shall not disclose the contents of such a plan except:*

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

(b) *As is reasonably necessary in the case of an act of terrorism or related emergency.*

Sec. 26. 1. *In accordance with the provisions of Section 37 of Article 4 of the Nevada Constitution, the Nevada Legislature hereby establishes a plan for continuation of state and local governmental operations. The provisions set forth in this section apply only in, and must be used in accordance with, the circumstances described in subsection 2.*

2. *In the event that this state or a portion of this state is stricken by a catastrophic emergency of such magnitude that, in the opinion of the Governor or, in the absence of the Governor, the Lieutenant Governor, the existing provisions of the Nevada Constitution and the statutes of this state relating to the filling of vacancies in office are not able to provide for a sufficiently expedient continuity of government and temporary succession of power as a result of vacancies in office created by the catastrophic emergency, the provisions of subsections 3 to 10, inclusive, apply.*

3. *If a vacancy occurs in the Office of Governor as a result of a catastrophic emergency and none of the successors described in NRS 223.080 are able or available to act as Governor, the Legislature shall elect a person to serve as Governor. If*

the Legislature is not in session at the time the vacancy occurs, the Legislature may call itself into special session to elect a person to serve as Governor.

4. If vacancies occur in more than 15 percent of the seats in either house of the Legislature as a result of a catastrophic emergency:

(a) The remaining Legislators available for duty constitute the Legislature and have full power to act in separate or joint assembly by majority vote of those present;

(b) Any requirements for a quorum applicable to the Legislature must initially be suspended and must subsequently be adjusted as vacant offices are filled pursuant to NRS 218.043; and

(c) If the affirmative vote of a specified proportion of members of the Legislature is required for the approval of a legislative measure, the same proportion of remaining members of the Legislature is sufficient for approval of that measure.

5. If vacancies occur in more than 15 percent of the positions held by justices on the Supreme Court as a result of a catastrophic emergency, the vacancies must be filled by appointment of the Governor.

6. If vacancies occur in more than 15 percent of the positions held by the district judges in any one judicial district as a result of a catastrophic emergency, the vacancies must be filled by appointment of the Supreme Court.

7. If vacancies occur on a board of county commissioners as a result of a catastrophic emergency:

(a) The remaining members of the board available for duty constitute the board and have full power to act by majority vote of those present; and

(b) Any requirements for a quorum applicable to the board must initially be suspended and must subsequently be adjusted as vacant offices are filled.

If a board of county commissioners is rendered entirely vacant as a result of a catastrophic emergency, such other elected officers of the county as may be available to serve on the board have full authority to act in all matters as a board of county commissioners.

8. If vacancies occur on a city council as a result of a catastrophic emergency:

(a) The remaining members of the council available for duty constitute the council and have full power to act by majority vote of those present; and

(b) Any requirements for a quorum applicable to the council must initially be suspended and must subsequently be adjusted as vacant offices are filled.

If a city council is rendered entirely vacant as a result of a catastrophic emergency, such other elected officers of the city as

may be available to serve on the council have full authority to act in all matters as a city council.

9. If, during or following a catastrophic emergency, a majority of the members of a legislative body described in this section determines that, for purposes of safety or to address related concerns, the legislative body should meet at a location other than the location at which the legislative body ordinarily meets, the legislative body may arrange to meet at an alternate location.

10. After a catastrophic emergency has taken place, the Governor or, in the absence of the Governor, the Lieutenant Governor, shall:

(a) Determine and announce publicly when conditions have normalized within this state or the portion thereof affected by the catastrophic emergency.

(b) In cooperation with the Secretary of State, develop procedures and a reasonable schedule for filling by regular election the various offices filled temporarily pursuant to this section.

11. As used in this section, "catastrophic emergency" means an emergency resulting from disasters caused by enemy attack, in accordance with Section 37 of Article 4 of the Nevada Constitution.

Sec. 27. 1. Each utility shall:

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

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

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division of Emergency Management of the Department of Public Safety; and

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

3. Each vulnerability assessment and emergency response plan of a utility and any other information concerning a utility that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

4. *A person shall not disclose such information, except:*
- (a) *Upon the lawful order of a court of competent jurisdiction;*
 - (b) *As is reasonably necessary to carry out the provisions of this section or the operations of the utility, as determined by the Division of Emergency Management of the Department of Public Safety; or*
 - (c) *As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division of Emergency Management of the Department of Public Safety.*

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

- (a) *A gross misdemeanor; or*
- (b) *A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:*
 - (1) *Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or*
 - (2) *Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.*

Sec. 27.5. Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Department to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the Director, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:*

(a) *Information regarding the infrastructure and security of information systems, including, without limitation:*

- (1) *Access codes, passwords and programs used to ensure the security of an information system;*
- (2) *Access codes used to ensure the security of software applications;*
- (3) *Procedures and processes used to ensure the security of an information system; and*
- (4) *Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.*

(b) *Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including,*

without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Director shall maintain or cause to be maintained a list of each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Director shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Director determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the Director shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in section 5 of this act.

Sec. 28. NRS 205.465 is hereby amended to read as follows:

205.465 1. It is unlawful for a person to possess, sell or transfer any document or personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person.

2. A person who:

(a) Sells or transfers any such document or personal identifying information in violation of subsection 1; or

(b) Possesses any such document or personal identifying information in violation of subsection 1 to commit any of the crimes set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive, or 205.610 to 205.810, inclusive, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in *this subsection and subsection 2*, a person who possesses any such document or personal identifying information in violation of subsection 1 is guilty of a *category E felony and shall be punished as provided in NRS 193.130. If a person possesses any such document or personal identifying information in violation of subsection 1 for the sole purpose of establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a* misdemeanor.

4. Subsection 1 does not:

(a) Preclude the adoption by a city or county of an ordinance prohibiting the possession of any such document or personal identifying information; or

(b) Prohibit the possession or use of any such document or personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

5. As used in this section:

(a) "Document" includes, without limitation, a photocopy print, photostat and other replica of a document.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, savings account number, credit card number, debit card number, date of birth, place of employment and maiden name of the mother of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

Sec. 29. NRS 207.345 is hereby amended to read as follows:

207.345 ~~{Every person who impersonates}~~

1. A person shall not:

(a) *Impersonate* an officer or employee of a utility ~~{company or who}~~ or, without authority ~~{assumes}~~, *assume* any *characteristic*,

such as a uniform or insignia, or any identification by which ~~such person~~ an officer or employee of a utility is distinguished ~~and in such assumed character does~~, known or identified; and

(b) Use the impersonation or the assumed characteristic or identity to commit or attempt to commit any unlawful act or any act ~~purporting~~ in which the person purports to represent the utility ~~company~~ or an officer or employee of the utility.

2. A person who violates any provision of this section is guilty of ~~a misdemeanor~~:

(a) A gross misdemeanor; or

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

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

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

Sec. 30. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On and after July 1, 2005, a governing body or its authorized representative shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 5 of section 17 of this act.

2. On and after July 1, 2005, any grant or other money received by a local government from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 5 of section 17 of this act.

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in section 8 of this act.

(b) "Response agency" has the meaning ascribed to it in section 10 of this act.

(c) "System of communication" has the meaning ascribed to it in section 10.7 of this act.

Sec. 31. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On and after July 1, 2005, the Chief, the Purchasing Division or a using agency shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 5 of section 17 of this act.

2. *On and after July 1, 2005, any grant or other money received by the Chief, the Purchasing Division or a using agency from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 5 of section 17 of this act.*

3. *As used in this section:*

(a) *“Information system” has the meaning ascribed to it in section 8 of this act.*

(b) *“Response agency” has the meaning ascribed to it in section 10 of this act.*

(c) *“System of communication” has the meaning ascribed to it in section 10.7 of this act.*

Sec. 32. (Deleted by amendment.)

Sec. 33. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Not later than July 1, 2004, and thereafter:*

(a) *The board of trustees of a school district in a county whose population is 100,000 or more shall ensure that at least one automated external defibrillator is placed in a central location at each high school within the district.*

(b) *The Airport Authority of Washoe County shall ensure that at least three automated external defibrillators are placed in central locations at the largest airport within the county.*

(c) *The board of county commissioners of each county whose population is 400,000 or more shall ensure that at least seven automated external defibrillators are placed in central locations at the largest airport within the county.*

(d) *The Board of Regents of the University of Nevada shall ensure that at least two automated external defibrillators are placed in central locations at each of:*

(1) *The largest indoor sporting arena or events center controlled by the University in a county whose population is 100,000 or more but less than 400,000; and*

(2) *The largest indoor sporting arena or events center controlled by the University in a county whose population is 400,000 or more.*

(e) *The Health Division shall ensure that at least one automated external defibrillator is placed in a central location at each of the following state buildings:*

(1) *The Capitol Building in Carson City;*

(2) *The Kinkead Building in Carson City;*

(3) *The Legislative Building in Carson City; and*

(4) *The Grant Sawyer Building in Las Vegas.*

(f) The board of county commissioners of each county whose population is 100,000 or more shall:

(1) Identify five county buildings or offices in each of their respective counties which are characterized by large amounts of pedestrian traffic or which house one or more county agencies that provide services to large numbers of persons; and

(2) Ensure that at least one automated external defibrillator is placed in a central location at each county building or office identified pursuant to subparagraph (1).

2. Each governmental entity that is required to ensure the placement of one or more automated external defibrillators pursuant to subsection 1:

(a) May accept gifts, grants and donations for use in obtaining, inspecting and maintaining the defibrillators;

(b) Shall ensure that those defibrillators are inspected and maintained on a regular basis; and

(c) Shall encourage the entity where the automated external defibrillator is placed to require any employee who will use the automated external defibrillator to successfully complete the training requirements of a course in basic emergency care of a person in cardiac arrest that includes training in the operation and use of an automated external defibrillator and is conducted in accordance with the standards of the American Heart Association, the American National Red Cross or any other similar organization.

3. As used in this section, "automated external defibrillator" means a medical device that:

(a) Has been approved by the United States Food and Drug Administration;

(b) Is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia;

(c) Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on the patient;

(d) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and

(e) Upon action by the operator of the device, delivers to the patient's heart an appropriate electrical impulse.

Sec. 34. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. ~~Every~~ *Except as otherwise provided in subsections 5, 6 and 7, every* applicant must furnish proof of his age by displaying:

(a) If the applicant was born in the United States, a birth certificate issued by a state or the District of Columbia or other proof of the date of birth of the applicant, including, but not limited to, a driver's license issued by another state or the District of Columbia, or a baptismal certificate and other proof that is determined to be necessary and is acceptable to the Department; or

(b) If the applicant was born outside the United States, a Certificate of Citizenship, Certificate of Naturalization, ~~Arrival-Departure Record, Alien Registration Receipt Card, United States Citizen Identification Card or Letter of Authorization~~ *Permanent Resident Card or Temporary Resident Card* issued by the ~~Immigration and Naturalization Service of the United States Department of Justice~~ *Bureau of Citizenship and Immigration Services* or a *Consular* Report of Birth Abroad ~~of a United States Citizen-Child~~ issued by the Department of State, a driver's license issued by another state or the District of Columbia or other proof acceptable to the Department other than a passport issued by a foreign government.

3. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

4. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, but not limited to, records of employment or federal income tax returns.

5. *The Department may refuse to accept a driver's license issued by another state or the District of Columbia if the Department determines that the other state or the District of*

Columbia has less stringent standards than the State of Nevada for the issuance of a driver's license.

6. With respect to any document described in paragraph (b) of subsection 2, the Department may:

(a) If the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) If the document specifies a date by which the person presenting the document must depart from the United States, issue to the person presenting the document a driver's license that expires on the date on which the person is required to depart from the United States.

7. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.

Sec. 35. NRS 483.530 is hereby amended to read as follows:

483.530 ~~HH~~

1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

~~[1.]~~ *(a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;*

~~[2.]~~ *(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;*

~~[3.]~~ *(c) To lend his driver's license to any other person or knowingly permit the use thereof by another;*

~~[4.]~~ *(d) To display or represent as one's own any driver's license not issued to him;*

~~[5.]~~ *(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;*

~~[6.] To use a false or fictitious name in any application for a driver's license or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application;~~

~~[7.]~~ *(f) To permit any unlawful use of a driver's license issued to him;*

~~[8.]~~ *(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or*

~~[9.]~~ *(h) To photograph, photostat, duplicate [H] or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.*

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 36. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~Every~~ *Except as otherwise provided in subsection 3, every* applicant for an identification card must furnish proof of his age by presenting a birth certificate issued by a state or the District of Columbia or other proof of the applicant's date of birth, including, but not limited to, a driver's license *or identification card* issued by another state or the District of Columbia, or a baptismal certificate and such other corroboration of the matters stated in his application as are required of applicants for a driver's license.

2. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the applicant's social security number; or

(b) Other proof acceptable to the Department, including, but not limited to, records of employment or federal income tax returns.

3. The Department may refuse to accept a driver's license or identification card issued by another state or the District of Columbia if the Department determines that the other state or the District of Columbia has less stringent standards than the State of Nevada for the issuance of a driver's license or identification card.

4. With respect to any document described in subsection 1, the Department may, if the document has expired, refuse to accept the document or refuse to issue an identification card to the person presenting the document, or both.

5. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.

Sec. 37. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full name, date of birth, sex and residence address of the applicant;

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. ~~Every~~ *Except as otherwise provided in subsections 4, 5 and 6, every* applicant shall furnish proof of his age by displaying:

(a) If he was born in the United States, a certified state-issued birth certificate, baptismal certificate, driver's license issued by another state or the District of Columbia or other proof acceptable to the Department; or

(b) If he was born outside the United States, a:

(1) Certificate of Citizenship, Certificate of Naturalization, ~~Arrival-Departure Record, Alien Registration Receipt Card, United States Citizen Identification Card or Letter of Authorization~~ *Permanent Resident Card or Temporary Resident Card* issued by the ~~Immigration and Naturalization Service of the Department of Justice;~~ *Bureau of Citizenship and Immigration Services;*

(2) *Consular* Report of Birth Abroad ~~of a United States Citizen Child~~ issued by the Department of State;

(3) Driver's license issued by another state or the District of Columbia; or

(4) Passport issued by the United States Government.

4. *The Department may refuse to accept a driver's license issued by another state or the District of Columbia if the Department determines that the other state or the District of Columbia has less stringent standards than the State of Nevada for the issuance of a driver's license.*

5. *With respect to any document described in paragraph (b) of subsection 3, the Department may:*

(a) *If the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and*

(b) If the document specifies a date by which the person presenting the document must depart from the United States, issue to the person presenting the document a driver's license that expires on the date on which the person is required to depart from the United States.

6. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.

Sec. 38. (Deleted by amendment.)

Sec. 38.5. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Homeland Security for the use of the Commission in carrying out its duties:

For the Fiscal Year 2003-2004.....	\$118,750
For the Fiscal Year 2004-2005.....	\$111,069

2. Any remaining balance of the appropriation made by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the State General Fund as soon as all payments of money committed have been made.

3. As used in this section, "Nevada Commission on Homeland Security" means the Nevada Commission on Homeland Security created by section 12 of this act.

Sec. 39. As soon as practicable after July 1, 2003:

1. The Senate Majority Leader shall appoint one member of the Senate to the Nevada Commission on Homeland Security pursuant to subsection 3 of section 12 of this act to a term that expires on June 30, 2005.

2. The Speaker of the Assembly shall appoint one member of the Assembly to the Nevada Commission on Homeland Security pursuant to subsection 4 of section 12 of this act to a term that expires on June 30, 2005.

Sec. 40. 1. This section and sections 1 to 33, inclusive, 38, 38.5 and 39 of this act become effective on July 1, 2003.

2. Sections 34 to 37, inclusive, of this act become effective on January 1, 2004.

3. The provisions of sections 21 to 24, inclusive, and 27.5 of this act expire by limitation on June 30, 2007.