

SENATE BILL NO. 115—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

FEBRUARY 22, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Authorizes governing bodies of local governments and certain advisory bodies to such governing bodies to hold closed meetings concerning matters relating to security and terrorism under certain circumstances. (BDR 19-601)

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.

AN ACT relating to meetings of public bodies; authorizing the governing bodies of local governments and certain advisory bodies to such governing bodies to hold closed meetings or close the relevant portions of public meetings concerning matters relating to security and terrorism under certain circumstances; providing that records of such meetings are confidential and not subject to public inspection unless otherwise ordered by a court of competent jurisdiction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada Commission on Homeland Security to hold closed meetings to receive security briefings, discuss procedures for responding to acts of terrorism and related emergencies and discuss security deficiencies relating to public services, public facilities and infrastructure. Under existing law, information and materials prepared for the Commission for such a closed meeting or received by the Commission during such a closed meeting and the minutes and any audiovisual or electronic reproduction of such a closed meeting are confidential and are not subject to subpoena, discovery or public inspection. (NRS 239C.140)

This bill authorizes the governing body of a local government and an advisory body to the governing body which is designated for emergency preparedness and operations to hold closed meetings to: (1) receive security briefings; (2) discuss



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tactical procedures for responding to acts of terrorism; (3) discuss security deficiencies relating to public services, public facilities and infrastructure; and (4) discuss response plans. This bill prohibits the governing body of a local government and an advisory body to the governing body from discussing issues of public policy related to acts of terrorism or the payment of the costs of securing against or responding to acts of terrorism in a closed meeting. This bill also provides qualified confidentiality for information and materials, minutes and reproductions relating to those closed meetings and requires the provision of those minutes and reproductions to the Nevada Commission on Homeland Security.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the governing body of a local government or an advisory body to such a governing body may hold a closed meeting or close the relevant portion of a public meeting to:

(a) Receive security briefings relating to acts of terrorism;

(b) Discuss tactical procedures for responding to acts of terrorism;

(c) Discuss deficiencies in security with respect to public services, public facilities and public infrastructure relating to acts of terrorism; or

(d) Discuss a response plan, as described in NRS 239C.250, if the governing body or advisory body determines, by an affirmative vote of at least two-thirds of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

2. The governing body of a local government or an advisory body to such governing body shall not discuss issues of public policy relating to acts of terrorism or the payment of the costs of securing against or responding to acts of terrorism in a closed meeting.

3. The governing body of a local government or an advisory body to such a governing body may hold a closed meeting pursuant to this section or close the relevant portion of a public meeting pursuant to this section upon a motion which specifies the nature of the business to be considered.

4. Except as otherwise provided in subsection 5, all pertinent information and materials prepared for the governing body of a local government or an advisory body to such a governing body for a meeting or portion of a meeting closed pursuant to subsection 1 or received by the governing body or advisory body during such a meeting or portion of a meeting and all minutes and



1 audiovisual, electronic or other reproductions of such a meeting
2 or portion of a meeting are confidential, not subject to subpoena
3 or discovery, and not subject to inspection by the general public.

4 5. The information, materials, minutes and reproductions
5 described in subsection 4 must be made available for public
6 inspection upon the lawful order of a court of competent
7 jurisdiction.

8 6. The governing body of a local government or an advisory
9 body to such a governing body shall provide a copy of all minutes
10 and audiovisual, electronic or other reproductions of a meeting or
11 portion of a meeting closed pursuant to subsection 1 to the Nevada
12 Commission on Homeland Security not later than 30 days after
13 such meeting or portion of a meeting.

14 7. As used in this section:

15 (a) "Act of terrorism" has the meaning ascribed to it in
16 NRS 239C.030.

17 (b) "Advisory body" means an entity that:

18 (1) Advises the governing body of a local government; and

19 (2) Is designated by the governing body of the local
20 government to perform activities or functions pertaining to
21 preparedness for emergencies and associated operations.

22 Sec. 2. This act becomes effective upon passage and approval.



