

SENATE BILL NO. 380—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

(ON BEHALF OF THE NEVADA COMMISSION
ON HOMELAND SECURITY)

MARCH 28, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes various changes relating to homeland
security. (BDR 19-611)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the membership and committees of the Commission; excluding certain airports from provisions requiring a security assessment by the Commission and relating to restricted documents; and providing other matters properly relating thereto.



* S B 3 8 0 R 2 *

Legislative Counsel's Digest:

Existing law creates the Nevada Commission on Homeland Security, consisting of such a number of members as determined by the Governor to be appropriate. (NRS 239C.120) The Commission is required to develop policies and programs for preventing and responding to acts of terrorism and related emergencies, and the Chairman of the Commission may appoint committees from its membership to assist in carrying out the Commission's duties. (NRS 239C.160, 239C.170) Under existing law, the Governor must provide staff assistance to the Commission and may designate a state agency to provide such assistance. (NRS 239C.180)

This bill authorizes the Department of Public Safety to employ staff in the classified service of the State to carry out the duties of the Commission.

This bill requires the State or a city or county to report to the Nevada Commission on Homeland Security any funding of projects or programs related to acts of terrorism or other related emergencies that have been approved by another governmental entity. The State and each city and county must also adopt any national system for preventing and responding to acts of terrorism that is mandated by the United States Department of Homeland Security as a condition for the receipt of federal money.

This bill requires the Governor to appoint 14 voting members to the Commission and specifies the qualifications of certain of those members. This bill also requires the Chairman of the Commission to appoint a Committee on Finance and other committees as deemed necessary by him to assist in carrying out the duties of the Commission.

This bill also excludes international airports from the list of public facilities for which the Commission must conduct an assessment of the security from acts of terrorism and from the types of restricted documents for which inspection is limited.

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

Section 1. Chapter 239C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Division" means the Division of Emergency Management of the Department of Public Safety.*

Sec. 3. 1. *The Director of the Department of Public Safety may employ such persons in the classified service of the State as he determines to be necessary to carry out the duties of the Commission, including, without limitation, an Executive Assistant to the Commission, a Policy Analyst to the Commission, a Grant Analyst to the Commission, and a Specialist in Public Information to the Commission.*

2. *If the Director of the Department of Public Safety employs persons pursuant to subsection 1, the salaries for those positions must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both.*



1 **Sec. 4. 1.** *If the State or a political subdivision submits an*
2 *application to and is approved to receive money from the Federal*
3 *Government, this State, any other state, a local government, any*
4 *agency or instrumentality of those governmental entities, or*
5 *any private entity, to pay for a project or program relating to the*
6 *prevention of, detection of, mitigation of, preparedness for,*
7 *response to and recovery from acts of terrorism, the State or*
8 *political subdivision shall, not later than 60 days after receiving*
9 *such approval, submit to the Commission a written report that*
10 *includes, without limitation:*

11 *(a) The total amount of money that the State or political*
12 *subdivision has been approved to receive for the project or*
13 *program;*

14 *(b) A description of the project or program, unless the State or*
15 *political subdivision previously submitted a written report*
16 *pursuant to this section relating to the same project or program;*
17 *and*

18 *(c) The items to be paid for with the money that the State or*
19 *political subdivision has been approved to receive for the project*
20 *or program.*

21 **2.** *A project or program for which the State or a political*
22 *subdivision is required to report the receipt of money pursuant to*
23 *subsection 1 includes, without limitation, a project or program*
24 *related to:*

25 *(a) Homeland security;*

26 *(b) Emergency management;*

27 *(c) Health or hospitals;*

28 *(d) Emergency medical services; and*

29 *(e) Chemical, biological, radiological, nuclear, explosive,*
30 *agricultural or environmental acts of terrorism.*

31 **3.** *Any grant related to terrorism that is administered by the*
32 *Division and is provided to a political subdivision must be*
33 *approved by the local emergency planning committee.*

34 **Sec. 5. 1.** *The State and each political subdivision shall:*

35 *(a) Adopt any national system that is required as a condition to*
36 *the receipt of money from the Federal Government by the United*
37 *States Department of Homeland Security pursuant to federal law*
38 *in preparation for, prevention of, detection of, mitigation of,*
39 *response to and recovery from a domestic incident, including,*
40 *without limitation, an act of terrorism.*

41 *(b) Submit to the Division documentation evidencing that the*
42 *State or political subdivision has adopted the national system.*

43 **2.** *The Division shall submit on a quarterly basis*
44 *documentation to the Commission evidencing the compliance of*



this State and each political subdivision with the provisions of paragraph (a) of subsection 1.

Sec. 6. NRS 239C.020 is hereby amended to read as follows:

239C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 239C.030 to 239C.110, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 239C.090 is hereby amended to read as follows:

239C.090 "Restricted document" means any blueprint or plan of a school, place of worship, airport ~~[]~~ *other than an international airport*, gaming establishment, governmental building or any other building or facility which is likely to be targeted for a terrorist attack.

Sec. 8. NRS 239C.120 is hereby amended to read as follows:

239C.120 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]~~ *14 voting* members that he determines to be appropriate ~~[, except that the Commission]~~ *and who serve at his pleasure, which* 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.]~~ *The sheriff of each county whose population is 100,000 or more;*

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

(c) The agent in charge of the office of the Federal Bureau of Investigation in this State;

(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; and

(e) A member of the medical community in a county whose population is 400,000 or more.

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. 9. NRS 239C.160 is hereby amended to read as follows:

239C.160 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 other than international* 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. 10. NRS 239C.170 is hereby amended to read as follows:

239C.170 The Chairman of the Commission ~~{may,}~~ *shall*, with the approval of the Commission, appoint ~~{committees from its members}~~ *a Committee on Finance and any other committees deemed necessary by the Chairman* to assist in carrying out the duties of the Commission. *The Chairman of the Commission shall appoint to a committee the number of voting members or nonvoting members, or both, that he determines to be appropriate, except that a committee must include at least one member of the Commission. At its first meeting and annually thereafter, a committee shall select a chairman and a vice chairman from the members of the committee.*

Sec. 11. NRS 239C.180 is hereby amended to read as follows:

239C.180 The Governor shall provide , *in addition to any persons employed pursuant to section 3 of this act*, such staff assistance to the Commission as he deems appropriate and may designate a state agency to provide such assistance.

Sec. 12. NRS 239C.250 is hereby amended to read as follows:

239C.250 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;



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

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

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

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

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

12 (h) Plans for the continuity of the operations and services of the
13 political subdivision, which plans must be consistent with the
14 provisions of NRS 239C.260; and

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

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

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

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

27 **Sec. 13.** NRS 239C.270 is hereby amended to read as follows:

28 239C.270 1. Each utility shall:

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

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

35 2. Each utility shall:

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

40 (b) At least once each year thereafter, review its vulnerability
41 assessment and emergency response plan and, as soon as practicable
42 after its review is completed but not later than December 31 of each
43 year, submit the results of its review and any additions or
44 modifications to its emergency response plan to the Division . ~~{of~~
45 ~~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. 14. 1. The term of office of a person appointed before the effective date of this act to the Nevada Commission on Homeland Security pursuant to subsection 2 of NRS 239C.120 expires on the effective date of this act.

2. On or after the effective date of this act and on or before July 1, 2005, the Governor shall appoint the 14 members required to be appointed to the Nevada Commission on Homeland Security pursuant to subsection 2 of NRS 239C.120, as amended by section 7 of this act.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. This act becomes effective upon passage and approval.

