

Amendment No. 776

Senate Amendment to Senate Bill No. 173 First Reprint	(BDR 31-224)
Proposed by: Senate Committee on Finance	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

JLW/BJE



Date: 5/18/2007

S.B. No. 173—Revises provisions relating to the expenditure of money received from the Federal Government to prevent or respond to acts of terrorism. (BDR 31-224)



SENATE BILL NO. 173—SENATORS HECK, TOWNSEND, WASHINGTON, NOLAN, HARDY,
BEERS, CEGAVSKE, **COFFIN**, RAGGIO AND RHOADS

FEBRUARY 28, 2007

JOINT SPONSORS: ASSEMBLYMEN BEERS, CHRISTENSEN, MABEY, MANENDO,
MARVEL, SETTELMAYER AND STEWART

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions relating to ~~the expenditure of~~ money received from the Federal Government to prevent or respond to acts of terrorism. (BDR 31-224)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 public financial administration; revising provisions relating to ~~the expenditure of~~ money received from the Federal Government to prevent or respond to acts of terrorism; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Commission on Homeland Security is entrusted with various duties designed to protect residents of this State and visitors to this State from acts of terrorism and related emergencies. (NRS 239C.030, 239C.120, 239C.160) **Sections 1 and 2** of this bill require that agencies and other entities within the Executive Branch of State Government other than the Nevada National Guard ~~apply to and obtain the written approval of~~ **enter into a memorandum of understanding with** the Nevada Commission on Homeland Security **pursuant to which the agency agrees to make certain periodic reports to the Commission**, before ~~making expenditures of money received from~~ **the agency requests money from** the Federal Government for projects or programs to prevent or respond to acts of terrorism.

Under existing law, if the State or a city or county is approved to receive money from any public or private source to pay for projects or programs to prevent or respond to acts of terrorism, the State or the city or county, as applicable, is required to submit to the Nevada Commission on Homeland Security a written report detailing the amount of money that will be received and the purposes for which it will be used. (NRS 239C.070, 239C.300) **Section 3** of this bill requires a local government that receives money directly from the Federal Government to pay for projects or programs to prevent or respond to acts of terrorism, to submit to the Commission a written report setting forth the amount of money that the local government received directly from the Federal Government and a general description of the purposes for which it was spent ~~+~~ **and quarterly reports detailing expenditures**. (NRS 239C.300) In addition to cities and counties, this reporting requirement applies to local

governments such as towns, school districts and general improvement districts. (NRS 239C.070, 239C.300, 354.474)

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~##~~ Before a department, institution or agency of the Executive Department of the State Government other than the Nevada National Guard ~~receives from~~ submits to the Federal Government a request for money in the form of a grant, loan or appropriation, or in any other form, ~~the department, institution or agency must, before it expends such money~~ to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to or recovery from acts of terrorism, ~~apply to and receive written approval for the expenditure from~~ the department, institution or agency must enter into a written memorandum of understanding with the Nevada Commission on Homeland Security pursuant to ~~subsection 7 of NRS 239C.160,~~ which the department, institution or agency agrees to report to the Commission on a quarterly basis:

(a) Regarding the status of the request; and

(b) In accordance with subsection 1 of NRS 239C.300, if the request is approved and the department, institution or agency receives money in connection with the request.

2. The provisions of subsection 1 must not be applied in any manner which would result in a loss of money for a project or program relating to the prevention of detection of, mitigation of, preparedness for, response to or recovery from acts of terrorism.

3. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.

Sec. 2. 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:

(a) 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; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

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

~~7. Review and, within 90 business days after the date of receipt, approve or deny in writing an application received pursuant to section 1 of this act. The Commission shall, in consultation with the Division, adopt regulations establishing criteria for determining whether to approve or deny an application received pursuant to section 1 of this act. The provisions of this subsection must not be applied in any manner which would result in a loss of money for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to or recovery from acts of terrorism. Enter into written memoranda of understanding with departments, institutions and agencies of the Executive Department of the State Government other than the Nevada National Guard to carry out the provisions of section 1 of this act.~~

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

~~8.9.~~ 9. Perform any other acts related to their duties set forth in subsections 1 to ~~7.8~~ 8, 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. 3. NRS 239C.300 is hereby amended to read as follows:

239C.300 1. If the State or a political subdivision submits an application to and is approved to receive money from the Federal Government, this State, any other state, a local government, any agency or instrumentality of those governmental entities, or any private entity, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to ~~and~~ or recovery from acts of terrorism, the State or political subdivision shall, not later than 60 days after receiving such approval, submit to the Commission a written report that includes, without limitation:

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

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

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

After submission of this report, the State or political subdivision shall, on a quarterly basis, submit to the Commission a written report detailing the expenditures of the money until all the money has been expended.

2. In addition to the reporting requirements of subsection 1, if a local government receives directly from the Federal Government money in the form of a grant, loan or appropriation, or in any other form, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to or recovery from acts of terrorism, the local government shall submit to the Commission a written report that includes, without limitation:

(a) The total amount of money that the local government received directly from the Federal Government for the project or program; and

(b) A general description of the project or program for which the money received directly from the Federal Government was expended.

The Commission shall adopt such regulations as are necessary to carry out the provisions of this subsection. The regulations so adopted must include, without limitation, the time within which and the frequency with which a local government must submit the reports described in this subsection. The regulations so adopted must not require a local government to submit the reports described in this subsection more frequently than once each ~~year~~ quarter.

3. A project or program for which the State or a ~~political subdivision~~ local government is required to report the receipt of money pursuant to subsection 1 ~~or 2~~ includes, without limitation, a project or program related to:

- (a) Homeland security;
- (b) Emergency management;
- (c) Health or hospitals;
- (d) Emergency medical services; and
- (e) Chemical, biological, radiological, nuclear, explosive, agricultural or environmental acts of terrorism.

~~3.~~ 4. Any grant related to terrorism that is administered by the Division and is provided to a political subdivision must be approved by the local emergency planning committee.

5. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474. The term includes a political subdivision.

Sec. 4. This act becomes effective on July 1, 2007.