

ASSEMBLY BILL NO. 549—COMMITTEE  
ON GOVERNMENT AFFAIRS

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises various provisions governing homeland security. (BDR 19-41)

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 homeland security; revising various provisions governing homeland security; establishing a statewide repository for the protection of critical infrastructure information; revising provisions governing certain confidential information; revising provisions relating to the Nevada Commission on Homeland Security; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that it is within the public interest that the Legislature enact provisions to protect this State from acts of terrorism. (NRS 239C.010) **Section 15** of this bill specifies that such provisions should include securing statewide critical infrastructure and key resources. **Section 14** of this bill establishes a statewide repository for the protection of critical infrastructure information for the purpose of storing confidential and protected critical infrastructure information which may be accessed by emergency response agencies when responding to an act of terrorism or a related all-hazards emergency. **Sections 14, 26, 29, 35, 37 and 39** of this bill provide that a person who unlawfully discloses certain confidential information is guilty of a gross misdemeanor or a category C felony, depending on the actions of the person relating to such disclosure. **Sections 2-13** of this bill add new definitions relating to homeland security, and **sections 17-21** of this bill revise existing definitions.

Existing law also establishes the Nevada Commission on Homeland Security, for which the Governor appoints the voting members and certain nonvoting members. The Commission has certain duties relating to the protection of residents of this State and visitors to this State from acts of terrorism and related emergencies. (NRS 239C.120, 239C.160) **Section 22** of this bill increases the number of voting members that the Governor must appoint to the Commission from



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14 members to 15 members, to include a representative of the broadcaster community. **Section 22** also requires the Governor to appoint as a nonvoting member on the Commission a representative to represent the tribal nations in Nevada. **Section 24** of this bill additionally requires the Commission to make recommendations to the Governor on the use and distribution of funding that is received by the State which is related to homeland security.

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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 14, inclusive, of this act.

**Sec. 2.** *“Charter school” means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.*

**Sec. 3.** *“Confidential information” means information that is only accessible to those duly authorized to have access to such information.*

**Sec. 4.** *“Critical infrastructure” means essential systems and assets, whether physical or virtual, so vital that the incapacity or destruction of such systems and assets may have a debilitating impact on the security, economic security, public health or safety, environment or any combination thereof, across federal, state, territorial, local or tribal jurisdictions, as defined pursuant to 42 U.S.C. § 5195c(e).*

**Sec. 5.** *“Critical infrastructure information” or “CII” means, as it relates to essential systems and assets, information which is not intended to be in the public domain and which is related to the security of critical infrastructure or protected systems, including documents, records or other information concerning:*

*1. Actual, potential or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by a physical or computer-based attack or other similar conduct, including, without limitation, the misuse of or unauthorized access to all types of communications and data transmission systems, that violates federal, state, local or tribal law, harms commerce in the State of Nevada or threatens public health or safety.*

*2. The ability of any critical infrastructure or protected system to resist any such interference, compromise or incapacitation, including, without limitation, any planned or past assessment, projection or estimate of the vulnerability of any*



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critical infrastructure or protected system, including security testing, risk evaluation, risk-management planning or risk audit.

3. Any planned or past operational problem or solution regarding critical infrastructure or protected systems, including, without limitation, repair, recovery, reconstruction, insurance or continuity, to the extent it is related to any such interference, compromise or incapacitation.

Sec. 6. "Duly authorized" means the designation of a person by an organization to have access to certain documents and information for the purposes of the person's employment, with such a person having been properly cleared through federal criteria or state or local background investigation and instructed, trained or certified, as applicable, regarding the security sensitivity of such documents and information.

Sec. 7. "Emergency response plan" means a plan that is developed by state, local and tribal governments, private organizations and nonprofit organizations for the purpose of providing an effective and coordinated response to an emergency or disaster.

Sec. 8. "Key resource" means a publicly or privately controlled resource that is essential to the minimal operations of the economy.

Sec. 9. "Private schools" has the meaning ascribed to it in NRS 394.103.

Sec. 10. "Protected critical infrastructure information" or "PCII" means all critical infrastructure information, including categorical inclusion PCII, which has undergone the validation process and which the federal PCII Program Office has determined qualifies for protection under the CII Act of 2002, 6 U.S.C. §§ 131 et seq. All information submitted to the federal PCII Program Office or its designee with an express statement is presumed to be PCII until the federal PCII Program Office determines otherwise.

Sec. 11. "Repository for the protection of critical infrastructure information" or "repository" means a secured, automated system for the storage of confidential information and protected critical infrastructure information, as established pursuant to section 14 of this act.

Sec. 12. "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 13. "School district" means a county school district created pursuant to chapter 386 of NRS.

Sec. 14. 1. To the extent money is made available, the Commission shall ensure the existence of a statewide, secure and automated system for the storage of confidential information and



1 *protected critical infrastructure information, including, without*  
2 *limitation, emergency response plans and vulnerability assessment*  
3 *information for political subdivisions, tribal nations, utilities,*  
4 *school districts, charter schools, private schools and resort hotels*  
5 *for use by emergency response agencies that are called to respond*  
6 *to an act of terrorism or related all-hazards emergency.*

7 2. *The repository for the protection of critical infrastructure*  
8 *information must include, without limitation:*

9 (a) *A designation of the type of information that must be*  
10 *included within the repository, including floor plans, fire*  
11 *protection information, building evacuation plans, utility*  
12 *information, known hazards and information on how to contact*  
13 *emergency personnel.*

14 (b) *The manner by which the information prescribed pursuant*  
15 *to paragraph (a) must be transferred to the repository from state*  
16 *agencies, political subdivisions, tribal nations and private sector*  
17 *organizations that are required or choose to participate in the*  
18 *repository.*

19 (c) *Standards for the software that must be used by state*  
20 *agencies, political subdivisions, tribal nations and private sector*  
21 *organizations that participate in the repository.*

22 (d) *Conditions for the use and access of documents by*  
23 *emergency response agencies, including utilities, other private*  
24 *sector organizations and contractual personnel hired and duly*  
25 *authorized by such agencies.*

26 (e) *Guidelines for the accessibility and confidentiality of*  
27 *information contained within the repository with the*  
28 *understanding that any critical infrastructure information*  
29 *containing proprietary or confidential information which, if*  
30 *disclosed, could result in potential damage or destruction to public*  
31 *or private critical infrastructure is hereby declared confidential,*  
32 *must be treated as protected critical infrastructure information*  
33 *and is exempt from the provisions of NRS 239.010.*

34 (f) *Guidelines for the incorporation, in connection with the use*  
35 *of the repository, of the items described in paragraph (b) of*  
36 *subsection 4.*

37 (g) *In accordance with information obtained by the*  
38 *Commission, the priority for the distribution of any money that*  
39 *may be available for state agencies, political subdivisions, tribal*  
40 *nations and private sector organizations to participate in the*  
41 *repository.*

42 (h) *Guidelines recommended by the Commission for the*  
43 *training of persons employed by emergency response agencies*  
44 *concerning the use of the repository.*



1       3. *If a person knowingly and unlawfully discloses any*  
2 *protected critical infrastructure information contained in the*  
3 *repository or assists, solicits or conspires with another person to*  
4 *disclose such information, the person is guilty of:*

5       (a) *A gross misdemeanor; or*

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

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

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

14       4. *State agencies, political subdivisions, tribal nations and*  
15 *private organizations shall:*

16       (a) *Participate in the repository for the protection of critical*  
17 *infrastructure information; and*

18       (b) *Incorporate into the system, without limitation:*

19       (1) *Evacuation routes and strategies for evacuation;*

20       (2) *Alarms and other signals or means of notification;*

21       (3) *Plans for sheltering in place; and*

22       (4) *Training and strategies for prevention in connection*  
23 *with attacks involving violence.*

24       5. *Any proprietary information obtained for the purposes of*  
25 *this chapter is also considered confidential information, subject to*  
26 *the provisions of subsection 3 and exempt from the provisions of*  
27 *NRS 239.010.*

28       6. *The Commission:*

29       (a) *Shall pursue any money that may be available from the*  
30 *Federal Government for the development and operation of the*  
31 *repository and for the distribution of grants to state agencies,*  
32 *political subdivisions, tribal nations and private organizations that*  
33 *participate in the repository.*

34       (b) *May accept gifts, grants and contributions for the*  
35 *development and operation of the repository and for the*  
36 *distribution of grants to state agencies, political subdivisions,*  
37 *tribal nations and private sector organizations that participate in*  
38 *the repository.*

39       (c) *Shall allow the duly authorized representative of the*  
40 *Critical Infrastructure and Key Resources private sector*  
41 *organization to inspect a copy of their records held in the*  
42 *repository for accountability, proper classification and security,*  
43 *and to make recommendations of the same to the Commission.*

44       7. *As used in this section:*



(a) *“Proprietary information” means information owned by a company which the company wishes to maintain as confidential information. The term includes, without limitation, business and marketing plans, salary structures, customer lists, contracts and details of the virtual, physical and security systems infrastructure of the company.*

(b) *“Sheltering in place” means to remain inside a building, room, structure or other location during an emergency when egress may be impossible or may present a more substantial risk than remaining inside the building, room, structure or other location.*

**Sec. 15.** NRS 239C.010 is hereby amended to read as follows:

239C.010 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 *state, local, tribal and private sector* efforts and plans to respond to acts of terrorism and ~~related~~ *all-hazards* 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 *and private sector* documents and plans.

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

(a) Protect ~~sensitive~~ *state, local, tribal and private sector* documents ~~and computer~~ *, information technology systems and physical access to such documents and systems* from cyber-terrorism;

(b) Secure ~~the State's energy, telecommunications and water infrastructures;~~ *statewide critical infrastructure and key resources;*

(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 *and tribal* law enforcement and other first responders;

(e) Provide safeguards in the issuance of government identification ~~{}~~ *and credentials*; and

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

**Sec. 16.** 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 sections 2 to 13, inclusive, of this act* have the meanings ascribed to them in those sections.

**Sec. 17.** NRS 239C.060 is hereby amended to read as follows:

239C.060 “Information *technology* 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 *the* homeland ~~{security-}~~ *through efforts of prevention, detection, deterrence, mitigation, preparedness, response and recovery.*

**Sec. 18.** NRS 239C.080 is hereby amended to read as follows:

239C.080 ~~{“Response”}~~ *“Emergency response* agency” means an agency of this State , ~~{or-of}~~ a political subdivision *or a tribal nation* that provides services related to law enforcement, firefighting, emergency medical care or public safety, including, without limitation, the Nevada National Guard.

**Sec. 19.** NRS 239C.090 is hereby amended to read as follows:

239C.090 “Restricted document” means any blueprint or plan , *that is typically available in the public domain*, 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. 20.** NRS 239C.100 is hereby amended to read as follows:

239C.100 “System of communication” includes, without limitation, any public safety , *emergency 911*, radio ~~{system}~~ or telecommunication system.

**Sec. 21.** NRS 239C.110 is hereby amended to read as follows:

239C.110 ~~{“} “~~“Utility” means any public or private entity that:

~~{(a)}~~ *1.* Provides water *and wastewater* service, electric service , ~~{or}~~ natural gas service *or telecommunications service* to 500 or more service locations; or

~~{(b)}~~ *2.* 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. 22.** NRS 239C.120 is hereby amended to read as follows:

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

2. The Governor shall appoint to the Commission ~~{14}~~ **15** voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

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

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

*(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.*

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; ~~{and}~~

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State ~~{;} and~~

*(c) A representative recommended by the Inter-Tribal Council of Nevada, Inc., to represent the tribal nations in Nevada,*

*as nonvoting members of the Commission.*

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

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

6. ~~{Except for the initial members, the}~~ **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.}~~

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and



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

**Sec. 23.** NRS 239C.140 is hereby amended to read as follows:

239C.140 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; ~~for~~

(c) Discuss deficiencies in security with respect to public services, ~~[public facilities and]~~ *critical* infrastructure ~~[ ]~~ *and key resources; or*

*(d) Discuss protected critical infrastructure information,*

→ 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. ~~[Except as otherwise provided in NRS 239.0115, all]~~ *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. 24.** 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, *tribal nations*, 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 *all-hazards* emergencies.

2. *Make recommendations to the Governor, through the Division, on the use and distribution of funding related to homeland security received by the State in accordance with the following:*

*(a) The Division will provide the Commission with all program guidance and requirements;*

*(b) The Commission will be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and establish direction and priorities for the use of funding related to homeland security administered by the Division;*



(c) *The Commission shall serve as the public body which will review and approve the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and*

(d) *The Commission shall serve as the public body which will approve, subject to approval by the Governor, the distribution of any homeland security grant or related program funding for use by state, local and tribal government agencies and private sector organizations.*

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related *all-hazards* emergencies before such acts of terrorism and related *all-hazards* 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}~~

4. *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:}~~ *concerning critical infrastructure and key resources that must be protected from acts of terrorism and related all-hazards emergencies, to include, without limitation:*

(a) ~~{Identify}~~ *Identifying* and ~~{categorize}~~ *categorizing* such ~~{buildings, facilities, geographic features and}~~ *critical* infrastructure and key resources, including utilities, resort hotels, school districts, charter schools and private schools, according to their susceptibility to and need for protection from acts of terrorism and related *all-hazards* emergencies ; ~~{and}~~

(b) ~~{Study}~~ *Directing the study* and ~~{assess the security of}~~ *assessment of* such ~~{buildings, facilities, geographic features and}~~ *critical* infrastructure ~~{from}~~ *and key resources against* acts of terrorism and related *all-hazards* emergencies ~~{~~  
~~—4.}~~ ; and

(c) *Ensuring that all documents and materials used for or created as part of any assessment be treated as protected critical infrastructure information.*

5. Examine the use, deployment and coordination of *emergency* response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State



1 and visitors to this State from acts of terrorism and related *all-*  
2 *hazards* emergencies.

3 ~~[5.]~~ 6. Assess, examine and review the use of information  
4 *technology* systems and systems of communication , *taking into*  
5 *consideration cybersecurity measures*, used by *emergency* response  
6 agencies within this State to determine the degree to which such  
7 systems are compatible , *operable* and interoperable. After  
8 conducting the assessment, examination and review, the  
9 Commission shall:

10 (a) Establish a state plan setting forth criteria and standards for  
11 the compatibility , *operability* and interoperability of those systems  
12 when used by *emergency* response agencies within this State; and

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

18 ~~[6.]~~ 7. Assess, examine and review the operation and efficacy  
19 of ~~[telephone systems and related]~~ systems used to provide  
20 emergency 911 service.

21 ~~[7. To the extent practicable, cooperate]~~

22 8. *Cooperate* and , *to the extent practicable*, coordinate with  
23 the Division to avoid duplication of effort in developing policies and  
24 programs for *emergency management and for* preventing , ~~[and]~~  
25 responding to *and recovering from all-hazards emergencies and*  
26 *disasters, including, without limitation, any* acts of terrorism . ~~[and~~  
27 *related emergencies.*

28 ~~—8.]~~ 9. Perform any other acts related to their duties set forth in  
29 subsections 1 to ~~[7.]~~ 8, inclusive, that the Commission determines  
30 are necessary to protect or enhance:

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

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

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

34 10. *As used in this section:*

35 (a) *“Cybersecurity” means the prevention of damage to,*  
36 *unauthorized use of or exploitation of, and if necessary, the*  
37 *restoration of electronic information and communications systems*  
38 *and the information contained therein, to ensure confidentiality,*  
39 *integrity and availability. The term includes, without limitation,*  
40 *the protection and restoration, when necessary, of information*  
41 *networks and wireline, wireless, satellite, public safety answering*  
42 *points, emergency 911 and control systems.*

43 (b) *“Tribal government” means a federally-recognized*  
44 *American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13,*  
45 *inclusive.*



1     **Sec. 25.** NRS 239C.170 is hereby amended to read as follows:

2     239C.170 1. The Chair of the Commission , *or the Vice*  
3 *Chair of the Commission in the absence of the Chair*, shall ~~[, with~~  
4 ~~the approval of the Commission,]~~ appoint a Committee on Finance  
5 and any other committees deemed necessary by the Chair *or Vice*  
6 *Chair, in the absence of the Chair*, to assist in carrying out the  
7 duties of the Commission. The Chair ~~[of the Commission]~~ *or Vice*  
8 *Chair, in the absence of the Chair*, shall appoint to a committee the  
9 number of voting members or nonvoting members, or both, that the  
10 Chair *or Vice Chair, in the absence of the Chair*, determines to be  
11 appropriate. The Chair *or Vice Chair, in the absence of the Chair*,  
12 may appoint any person ~~[the Chair]~~ *that he or she* deems  
13 appropriate to serve on a committee, except that a committee must  
14 include at least one member of the Commission. At its first meeting  
15 and annually thereafter, a committee shall select a chair and a vice  
16 chair from the members of the committee.

17     2. If a member of a committee formed pursuant to subsection 1  
18 is a public employee, the member's employer must grant the  
19 member administrative leave from his or her duties to serve on the  
20 committee without loss of the member's regular compensation and  
21 without reducing the amount of any other accrued leave the member  
22 may have.

23     **Sec. 26.** NRS 239C.210 is hereby amended to read as follows:

24     239C.210 1. A document, record or other item of information  
25 ~~[described in subsection 2]~~ that is *obtained*, prepared ~~[and]~~ *or*  
26 maintained *through or by a law enforcement agency, counter-*  
27 *terrorism center or fusion intelligence center in this State*, for the  
28 purpose of *detecting, deterring*, preventing or responding to an act  
29 of terrorism , is confidential, not subject to subpoena or discovery,  
30 not subject to inspection by the general public and may only be  
31 inspected by or released to ~~[public safety and public health]~~ *duly*  
32 *authorized emergency response* personnel . ~~[if the Governor~~  
33 ~~determines, by executive order, that the disclosure or release of the~~  
34 ~~document, record or other item of information would thereby create~~  
35 ~~a substantial likelihood of compromising, jeopardizing or otherwise~~  
36 ~~threatening the public health, safety or welfare.]~~

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

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

44     —(b) ~~Drawings, maps, plans or records that reveal the critical~~  
45 ~~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.]~~

*If the Governor determines that the disclosure or release of any type of 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, the Governor may declare such a document, record or other item of information to be confidential through the issuance of an executive order.*

3. If a person knowingly and unlawfully discloses a document, record or other item of information *that is confidential pursuant to subsection 1 or* subject to an executive order issued pursuant to subsection ~~H~~ 2 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



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

4. As used in this section, ~~["public safety and public health"]~~ *"emergency response"* personnel" includes:

(a) State, county, ~~[and]~~ city *and tribal* emergency managers;

(b) Members and staff of *counter*-terrorism ~~[early warning]~~ centers ~~[or fusion intelligence centers]~~ in this State;

(c) Employees of fire-fighting or law enforcement agencies, if ~~[the head of the agency has designated]~~ the employee *is duly authorized* as having an operational need to know *of* information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

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

**Sec. 27.** NRS 239C.220 is hereby amended to read as follows:

239C.220 1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:

(a) His or her name;

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

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

(d) His or her 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:

(1) A state, *tribal*, county or city emergency manager;

(2) A member or staff person of a *counter*-terrorism ~~[early warning]~~ center or fusion intelligence center in this State;

(3) An employee of any fire-fighting or law enforcement agency, if ~~[the head of the agency has designated]~~ the employee *is duly authorized* as having an operational need to inspect restricted documents; or

(4) An employee of a public health agency, if the agency is one that would respond to a disaster and if ~~[the head of the agency has designated]~~ the employee *is duly authorized* as having an operational need to inspect restricted documents. As used in this



1 subparagraph, “disaster” has the meaning ascribed to it in  
2 NRS 414.0335.

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

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

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

11 (b) As is reasonably necessary in the case of an act of terrorism  
12 or other related emergency;

13 (c) To protect the rights and obligations of a governmental entity  
14 or the public;

15 (d) Upon the request of a reporter or editorial employee who is  
16 employed by or affiliated with a newspaper, press association or  
17 commercially operated and federally licensed radio or television  
18 station and who uses the restricted document in the course of such  
19 employment or affiliation; or

20 (e) Upon the request of a registered architect, licensed contractor  
21 or a designated employee of any such architect or contractor who  
22 uses the restricted document in his or her professional capacity.

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

25 **Sec. 28.** NRS 239C.250 is hereby amended to read as follows:

26 239C.250 ~~[1-]~~ Each political subdivision shall adopt and  
27 maintain ~~[a response]~~ *an emergency operations plan* ~~[1-]~~ *pursuant to*  
28 *the provisions of NRS 414.090*. Each new or revised plan must be  
29 ~~[filed]~~ *entered* within 10 days after adoption or revision ~~[with:~~

30 ~~—(a) The Division; and~~

31 ~~—(b) Each response agency that provides services to the political~~  
32 ~~subdivision.~~

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

34 ~~—(a) A drawing or map of the layout and boundaries of the~~  
35 ~~political subdivision;~~

36 ~~—(b) A drawing or description of the streets and highways within,~~  
37 ~~and leading into and out of, the political subdivision, including any~~  
38 ~~approved routes for evacuation;~~

39 ~~—(c) The location and inventory of emergency response~~  
40 ~~equipment and resources within the political subdivision;~~

41 ~~—(d) The location of any unusually hazardous substances within~~  
42 ~~the political subdivision;~~

43 ~~—(e) A telephone number that may be used by residents of the~~  
44 ~~political subdivision to receive information and to make reports with~~  
45 ~~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 NRS 239C.260; and~~  
~~—(i) Any other information that the Commission may determine to be relevant.~~

~~3. Except as otherwise provided in NRS 239.0115, 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;~~  
~~—(b) As is reasonably necessary in the case of an act of terrorism or related emergency; or~~  
~~—(c) Pursuant to the provisions of NRS 239.0115.] into the repository for the protection of critical infrastructure information.~~

**Sec. 29.** NRS 239C.270 is hereby amended to read as follows:  
239C.270 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)]~~ (b) As soon as practicable but not later than December 31 ~~[-~~ 2003,] ~~of each year,~~ submit its ~~[vulnerability assessment and]~~ emergency response plan ~~[to the Division;]~~ *into the repository for the protection of critical infrastructure information;* and

~~[(b)]~~ (c) 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.~~

~~3. Except as otherwise provided in NRS 239.0115, each vulnerability assessment and]~~ *into the repository for the protection of critical infrastructure information.*

**2.** *Each* 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.] and is exempt from the provisions of NRS 239.010.~~

3. 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;]~~ ; or

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

~~—(d) Pursuant to the provisions of NRS 239.0115.~~

~~—5.] 4.~~ 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. 30.** NRS 239C.300 is hereby amended to read as follows:

239C.300 1. If the State , ~~[or]~~ a political subdivision , *tribal nation, private sector organization or nonprofit organization* 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 recovery from acts of terrorism, the State , ~~[or]~~ political subdivision , *tribal nation, private sector organization or nonprofit organization* 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 , *tribal nation, private sector organization or nonprofit organization* has been approved to receive for the project or program;

(b) A description of the project or program, unless the State , ~~[or]~~ political subdivision , *tribal nation, private sector organization*



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1 *or nonprofit organization* previously submitted a written report  
2 pursuant to this section relating to the same project or program; and

3 (c) The items to be paid for with the money that the State , ~~for~~  
4 political subdivision , *tribal nation, private sector organization or*  
5 *nonprofit organization* has been approved to receive for the project  
6 or program.

7 2. A project or program for which the State , ~~for a~~ political  
8 subdivision , *tribal nation, private sector organization or nonprofit*  
9 *organization* is required to report the receipt of money pursuant to  
10 subsection 1 includes, without limitation, a project or program  
11 related to:

12 (a) Homeland security;

13 (b) Emergency management;

14 (c) Health or hospitals;

15 (d) Emergency medical services; and

16 (e) Chemical, biological, radiological, nuclear, explosive,  
17 agricultural or environmental acts of terrorism.

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

21 **Sec. 31.** NRS 239C.310 is hereby amended to read as follows:

22 239C.310 1. The State and each political subdivision , *tribal*  
23 *nation, private sector organization and nonprofit organization*  
24 shall:

25 (a) Adopt any national system that is required as a condition to  
26 the receipt of money from the Federal Government by the United  
27 States Department of Homeland Security pursuant to federal law in  
28 preparation for, prevention of, detection of, mitigation of, response  
29 to and recovery from a domestic incident, including, without  
30 limitation, an act of terrorism.

31 (b) Submit to the Division documentation evidencing that the  
32 State , ~~for~~ political subdivision , *tribal nation, private sector*  
33 *organization or nonprofit organization* has adopted the national  
34 system.

35 2. The Division shall submit , on ~~[a quarterly basis]~~ *or before*  
36 *December 31 of each year*, documentation to the Commission  
37 evidencing the compliance of this State and each political  
38 subdivision , *tribal nation, private sector organization and*  
39 *nonprofit organization* with the provisions of ~~[paragraph (a) of]~~  
40 subsection 1.

41 **Sec. 32.** NRS 332.830 is hereby amended to read as follows:

42 332.830 1. On and after October 1, 2005, a governing body  
43 or its authorized representative shall not purchase an information  
44 *technology* system or system of communication for use by ~~it~~ *an*



1 **emergency** response agency unless the system complies with the  
2 plan established pursuant to subsection ~~[S]~~ 6 of NRS 239C.160.

3 2. On and after October 1, 2005, any grant or other money  
4 received by a local government from the Federal Government for  
5 the purchase of an information **technology** system or system of  
6 communication for use by ~~[a]~~ **an emergency** response agency must  
7 not be used to purchase such a system unless the system complies  
8 with the plan established pursuant to subsection ~~[S]~~ 6 of  
9 NRS 239C.160.

10 3. As used in this section:

11 (a) ***“Emergency response agency” has the meaning ascribed to***  
12 ***it in NRS 239C.080.***

13 (b) “Information **technology** system” has the meaning ascribed  
14 to it in NRS 239C.060.

15 ~~[(b) “Response agency” has the meaning ascribed to it in~~  
16 ~~NRS 239C.080.]~~

17 (c) “System of communication” has the meaning ascribed to it in  
18 NRS 239C.100.

19 **Sec. 33.** NRS 333.820 is hereby amended to read as follows:

20 333.820 1. On and after October 1, 2005, the Chief, the  
21 Purchasing Division or a using agency shall not purchase an  
22 information **technology** system or system of communication for use  
23 by ~~[a]~~ **an emergency** response agency unless the system complies  
24 with the plan established pursuant to subsection ~~[S]~~ 6 of  
25 NRS 239C.160.

26 2. On and after October 1, 2005, any grant or other money  
27 received by the Chief, the Purchasing Division or a using agency  
28 from the Federal Government for the purchase of an information  
29 **technology** system or system of communication for use by ~~[a]~~ **an**  
30 **emergency** response agency must not be used to purchase such a  
31 system unless the system complies with the plan established  
32 pursuant to subsection ~~[S]~~ 6 of NRS 239C.160.

33 3. As used in this section:

34 (a) ***“Emergency response agency” has the meaning ascribed to***  
35 ***it in NRS 239C.080.***

36 (b) “Information **technology** system” has the meaning ascribed  
37 to it in NRS 239C.060.

38 ~~[(b) “Response agency” has the meaning ascribed to it in~~  
39 ~~NRS 239C.080.]~~

40 (c) “System of communication” has the meaning ascribed to it in  
41 NRS 239C.100.

42 **Sec. 34.** NRS 392.624 is hereby amended to read as follows:

43 392.624 1. Each development committee shall, at least once  
44 each year, review and update as appropriate the plan that it  
45 developed pursuant to NRS 392.620, and provide an updated copy



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1 of the plan to the board of trustees of the school district that  
2 established the committee or the governing body of the charter  
3 school that established the committee.

4 2. The board of trustees of each school district and the  
5 governing body of each charter school shall:

6 (a) Post a notice of the completion of each review and update  
7 that its development committee performs pursuant to subsection 1 at  
8 each school in its school district or at its charter school;

9 (b) Post a copy of NRS 392.600 to 392.656, inclusive, at each  
10 school in its school district or at its charter school;

11 (c) Retain a copy of each plan developed pursuant to NRS  
12 392.620, each plan updated pursuant to subsection 1 and each  
13 deviation approved pursuant to NRS 392.636;

14 (d) Provide a copy of each plan developed pursuant to NRS  
15 392.620 and each plan updated pursuant to subsection 1 to ~~f~~:

16 ~~— (1) The} the~~ State Board;

17 ~~{(2) Each local law enforcement agency in the county in~~  
18 ~~which the school district or charter school is located; and~~

19 ~~— (3) The Division of Emergency Management of the~~  
20 ~~Department of Public Safety;]~~

21 ~~(e) [Upon request, provide a copy of each plan developed~~  
22 ~~pursuant to NRS 392.620 and each plan updated pursuant to~~  
23 ~~subsection 1 to a local agency that is included in the plan and to an~~  
24 ~~employee of a school who is included in the plan;~~

25 ~~— (f)] Upon request, provide a copy of each deviation approved~~  
26 ~~pursuant to NRS 392.636 to f:~~

27 ~~— (1) The} the~~ State Board;

28 ~~{(2) A local law enforcement agency in the county in which~~  
29 ~~the school district or charter school is located;~~

30 ~~— (3) The Division of Emergency Management of the~~  
31 ~~Department of Public Safety;~~

32 ~~— (4) A local agency that is included in the plan; and~~

33 ~~— (5) An employee of a school who is included in the plan;]~~

34 and

35 ~~{(g)} (f)~~ At least once each year, provide training in responding  
36 to a crisis to each employee of the school district or of the charter  
37 school, including, without limitation, training concerning drills for  
38 evacuating and securing schools.

39 3. *A copy of each plan developed pursuant to NRS 392.620,*  
40 *each plan updated pursuant to subsection 1 and each deviation*  
41 *approved pursuant to NRS 392.636 that is provided to the State*  
42 *Board pursuant to subsection 2 must be entered into the repository*  
43 *for the protection of critical infrastructure information as*  
44 *established pursuant to section 14 of this act.*



4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 392.600 to 392.656, inclusive.

**Sec. 35.** NRS 392.652 is hereby amended to read as follows:

392.652 1. A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624, a deviation and any information submitted to a development committee pursuant to NRS 392.632, a deviation approved pursuant to NRS 392.636 and the plan developed pursuant to NRS 392.640 are confidential and ~~[ ] must be securely maintained,~~ except as otherwise provided in NRS ~~[239.0115 and]~~ 392.600 to 392.656, inclusive, ~~[must not be disclosed to any person or government, governmental agency or political subdivision of a government.]~~ and are exempt from the provisions of NRS 239.010.

2. 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

(c) As is reasonably necessary in the case of an emergency involving public health or safety.

3. 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. 36.** NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687, and provide an updated copy of the plan to the governing body of the school.

2. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) Post a copy of NRS 392.640 and 394.168 to 394.1699, inclusive, at the school;



(c) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(d) Provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to ~~the~~:

~~(1) The~~ *the* Board;

~~{(2) Each local law enforcement agency in the county in which the school is located; and~~

~~(3) The Division of Emergency Management of the Department of Public Safety;}~~

(e) ~~[Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;~~

~~(f)]~~ Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to ~~the~~:

~~(1) The~~ *the* Board;

~~{(2) A local law enforcement agency in the county in which the school is located;~~

~~(3) The Division of Emergency Management of the Department of Public Safety;~~

~~(4) A local agency that is included in the plan; and~~

~~(5) An employee of the school who is included in the plan;}~~

and

~~(g)]~~ (f) At least once each year, provide training in responding to a crisis to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

*3. A copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692 that is provided to the Board pursuant to subsection 2 must be entered into the repository for the protection of critical infrastructure information as established pursuant to section 14 of this act.*

**Sec. 37.** NRS 394.1698 is hereby amended to read as follows:

394.1698 *1. A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and ~~[ ]~~ must be securely maintained, except as otherwise provided in NRS ~~[239.0115.]~~ 392.640 and 394.168 to 394.1699, inclusive, ~~[must not be disclosed to any person or government, governmental agency or political subdivision of a government.]~~ and are exempt from the provisions of NRS 239.010.*

*2. A person shall not disclose such information, except:*



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(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*

(c) *As is reasonably necessary in the case of an emergency involving public health or safety.*

3. *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. 38.** NRS 414.090 is hereby amended to read as follows:

414.090 1. Each political subdivision of this state may establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. Such a political subdivision may confer or authorize the conferring upon members of the auxiliary police the powers of police officers, subject to such restrictions as it imposes. Each local organization for emergency management must have a director who must be appointed by the executive officer or governing body of the political subdivision, and who has direct responsibility for the organization, administration and operation of the local organization for emergency management subject to the direction and control of the executive officer or governing body. Each *political subdivision that chooses to establish a* local organization for emergency management shall perform functions of emergency management within the territorial limits of the political subdivision within which it is organized, *must develop and maintain an emergency operations plan in accordance with established federal guidelines for emergency management planning,* and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of NRS 414.100. *Emergency operations plans developed pursuant to this section must be filed with the Division of Emergency Management of the Department of Public Safety and entered into the repository for the protection of critical infrastructure information as established pursuant to section 14 of this act.*

2. In carrying out the provisions of this chapter, each political subdivision in which any emergency or disaster described in



1 NRS 414.020 occurs may enter into contracts and incur obligations  
2 necessary to combat such an emergency or disaster, protect the  
3 health and safety of persons and property and provide emergency  
4 assistance to the victims of such an emergency or disaster. Each  
5 political subdivision may exercise the powers vested under this  
6 section in the light of the exigencies of the extreme emergency or  
7 disaster without regard to time-consuming procedures and  
8 formalities prescribed by law, except constitutional requirements,  
9 pertaining to the performance of public work, entering into  
10 contracts, the incurring of obligations, the employment of temporary  
11 workers, the rental of equipment, the purchase of supplies and  
12 materials, the levying of taxes, and the appropriation and  
13 expenditure of public funds.

14 **Sec. 39.** NRS 463.790 is hereby amended to read as follows:

15 463.790 1. Each resort hotel shall adopt and maintain an  
16 emergency response plan. Each new or revised plan must be ~~filed~~  
17 *entered* within 3 days after adoption or revision ~~{with each local fire~~  
18 ~~department and local law enforcement agency whose jurisdiction~~  
19 ~~includes the area in which the resort hotel is located and with the~~  
20 ~~Division of Emergency Management of the Department of Public~~  
21 ~~Safety.}~~ *into the repository for the protection of critical*  
22 *infrastructure information as established pursuant to section 14 of*  
23 *this act.*

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

26 (a) A drawing or map of the layout of all areas within the  
27 building or buildings and grounds that constitute a part of the resort  
28 hotel and its support systems and a brief description of the purpose  
29 or use for each area;

30 (b) A drawing or description of the internal and external access  
31 routes;

32 (c) The location and inventory of emergency response  
33 equipment and resources;

34 (d) The location of any unusually hazardous substances;

35 (e) The name and telephone number of the emergency response  
36 coordinator for the resort hotel;

37 (f) The location of one or more site emergency response  
38 command posts;

39 (g) A description of any special equipment needed to respond to  
40 an emergency at the resort hotel;

41 (h) An evacuation plan;

42 (i) A description of any public health or safety hazards present  
43 on the site; and

44 (j) Any other information requested by a local fire department or  
45 local law enforcement agency whose jurisdiction includes the area



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1 in which the resort hotel is located or by the ~~[Division of Emergency~~  
2 ~~Management.] Nevada Commission on Homeland Security~~  
3 ~~pursuant to the provisions of chapter 239C of NRS.~~

4 3. A plan filed pursuant to the requirements of this section,  
5 including any revisions adopted thereto, is confidential and must be  
6 securely maintained ~~[by the department, agency and Division with~~  
7 ~~whom it is filed. An officer, employee or other person to whom the~~  
8 ~~plan is entrusted by the department, agency or Division shall not~~  
9 ~~disclose the contents of such a plan except:~~

10 ~~—(a) Upon the lawful order of a court of competent jurisdiction;~~  
11 ~~or~~

12 ~~—(b) As is reasonably necessary in the case of an emergency~~  
13 ~~involving public health or safety.] , and is exempt from the~~  
14 ~~provisions of NRS 239.010.~~

15 4. A person shall not disclose such information, except:

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

17 (b) As is reasonably necessary to carry out the provisions of  
18 this section; or

19 (c) As is reasonably necessary in the case of an emergency  
20 involving public health or safety.

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

24 (a) A gross misdemeanor; or

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

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

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

33 6. As used in this section, the term “local law enforcement  
34 agency” means:

35 (a) The sheriff’s office of a county;

36 (b) A metropolitan police department; or

37 (c) A police department of an incorporated city.

