SENATE BILL NO. 289–SENATOR DENIS

MARCH 16, 2015
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JOINT SPONSOR: ASSEMBLYMAN PAUL ANDERSON
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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the protection of technology. (BDR 19-892)

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; requiring each provider of Internet protocol service which serves an agency or political subdivision of this State to maintain certain peering arrangements within this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1  Existing law creates the Nevada Commission on Homeland Security and
2  requires the Commission to make recommendations with respect to actions and
3  measures to protect residents of this State and visitors to this State from potential
4  acts of terrorism and related emergencies. (NRS 239C.120, 239C.160) This bill
5  requires each provider of Internet protocol service which serves an agency or
6  political subdivision of this State to interconnect and maintain a peering
7  arrangement within this State with all other such providers of Internet protocol
8  service.

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

1      **Section 1.**   Chapter 239C of NRS is hereby amended by adding
2  thereto the provisions set forth as sections 2 to 6, inclusive, of this
3  act.
4      **Sec. 2.**   ***The Legislature hereby finds and declares that:***

*1.  Physical and digital risks inherent in the use of an unnecessarily indirect path for the delivery of Internet protocol service threatens the security of the State's communications and computer systems, and these threats can be avoided by peering between providers of Internet protocol service which serve this State and other providers of Internet protocol service within this State.*

*2.  Peering between providers of Internet protocol service which serve this State and other providers of Internet protocol service within this State increases redundancy and resiliency, enables more efficient control of the routing of network traffic, improves performance and avoids natural and man-made risks and data security issues inherent in the interstate transmission of data belonging to this State.*

*3.  It is necessary for the protection of the residents of this State to ensure that the State receives Internet protocol service from providers which use reasonably current technology to deliver service through a geographically proximate and reasonably direct path.*

**Sec. 3.**  *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 4.**  *"Internet protocol service" has the meaning ascribed to "Internet protocol-enabled service" in paragraph (a) of subsection 3 of NRS 704.685, except that the term includes Voice over Internet protocol service as defined in paragraph (b) of subsection 3 of NRS 704.685.*

**Sec. 5.**  *"Peering" means the voluntary physical interconnection of administratively separate Internet networks for the purpose of exchanging traffic between the users of each network.*

**Sec. 6.**  *1.  Each provider of Internet protocol service which serves any agency or political subdivision of this State shall interconnect and maintain a peering arrangement within this State with all other providers of Internet protocol service which serve any agency or political subdivision of this State.*

*2.  An agency or political subdivision of this State may not obtain Internet protocol service from a provider of Internet protocol service if the provider has not complied with the provisions of subsection 1.*

**Sec. 7.**  1.  Except as otherwise provided in this section, the provisions of sections 2 to 6, inclusive, of this act do not apply to or otherwise affect a contract or other agreement for the provision of Internet protocol service entered into before October 1, 2015.

1   2.  Each agency and political subdivision of this State shall, as
2   soon as practicable, take all action necessary to ensure that it obtains
3   Internet protocol service only from providers of Internet protocol
4   service which comply with the provisions of subsection 1 of section
5   6 of this act.
6   3.  On or before December 31, 2016, each agency and political
7   subdivision of this State shall terminate any contract or other
8   agreement for the provision of Internet protocol service from a
9   provider of Internet protocol service who does not comply with the
10  provisions of subsection 1 of section 6 of this act.

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