

SENATE BILL NO. 35—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF EMERGENCY MANAGEMENT
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Government Affairs

SUMMARY—Creates the Nevada Resilience Advisory Committee.
(BDR 19-357)

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 safety; creating the Nevada Resilience Advisory Committee; setting forth the membership and duties of the Committee; providing certain exceptions to the open meeting law; requiring the Nevada Resilience Advisory Committee to prepare an annual report and submit the annual report to certain entities; authorizing the Nevada Resilience Advisory Committee to appoint subcommittees in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

On March 12, 2018, Governor Sandoval signed Executive Order 2018-4, "Implementation of Nevada's Statewide Resilience Strategy." Executive Order 2018-4 required the Co-Chairs of the Homeland Security Working Group of the Nevada Commission on Homeland Security to develop a statewide 5-year resilience strategy to be considered by the Commission. The Order additionally required the Co-Chairs of the Homeland Security Working Group to provide recommendations through the resilience strategy for: (1) streamlining the commissions, boards and committees which advise the Division of Emergency Management of the Department of Public Safety; (2) streamlining grant processes to sustain the emergency management and homeland security capacity of Nevada; and (3) incentives for local partners to participate in resilience models, among other requirements.

These requirements were addressed in the Statewide Resilience Strategy, published on July 1, 2018. The Statewide Resilience Strategy made recommendations that this State establish a public body in statute that: (1) consolidates several existing boards and commissions relating to emergency



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management; (2) coordinates grants and other efforts with respect to resilience programs; (3) may establish subordinate public bodies; and (4) provides an annual report to the Nevada Commission on Homeland Security.

Section 2 of this bill creates the Nevada Resilience Advisory Committee. **Section 2** provides that: (1) with the approval of the Director of the Department of Public Safety, the Chief of the Division shall appoint not more than 34 voting members to the Committee; (2) with the approval of the Director of the Department of Public Safety, the Chief of the Division or his or her designee serves as the Chair of the Committee; and (3) each appointed voting member of the Committee, other than the Chair, serves a term of 2 years.

Sections 3-10 of this bill provide various requirements and duties of the Nevada Resilience Advisory Committee. **Section 3** of this bill requires the Committee to hold a meeting at least once a month. **Section 4** of this bill authorizes the Committee to hold a closed meeting for sensitive issues relating to emergency management or homeland security, as determined by the Committee. **Sections 11 and 12** of this bill make conforming changes. **Section 5** of this bill provides that a member of the Committee or any subcommittee formed pursuant to **section 7** of this bill is not compensated for his or her services as a member of the Committee or the subcommittee. **Section 5** further provides that a member of the Committee or subcommittee who is a public employee must: (1) be granted administrative leave from his or her duties to engage in the business of the Committee or subcommittee; and (2) receive the per diem allowance and travel expenses provided for state officers and employees generally from the state agency or political subdivision which employs him or her.

Section 6 of this bill sets forth the duties of the Nevada Resilience Advisory Committee, including requiring the Committee to: (1) annually develop state resilience goals and related objectives for the Committee; (2) review and make recommendations concerning certain grants and the coordination of statewide mitigation, preparedness, response and recovery efforts; and (3) develop an annual report. **Section 10** of this bill provides that this annual report must include activities, any assessments of programs and processes and any recommendations based on activities and assessments of the Committee during the preceding calendar year. **Section 10** additionally requires that this annual report be submitted to the Nevada Commission on Homeland Security, the Governor and the Director of the Legislative Counsel Bureau. **Section 7** authorizes the Committee to appoint any subcommittee that is deemed necessary by the Committee. **Section 7** requires such subcommittees to have a specific objective and operate for not more than 6 months, unless an extension is approved by the Committee. **Section 8** of this bill requires the Chief of the Division to provide staff to assist in carrying out the duties of the Committee. **Section 9** of this bill authorizes the Committee to apply for and receive gifts, grants, contributions or other money from various entities to carry out the provisions of this bill.

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 10, inclusive, of this act.

Sec. 2. 1. *The Nevada Resilience Advisory Committee is hereby created.*



2. With the approval of the Director of the Department of Public Safety, the Chief of the Division shall appoint to the Committee not more than 34 voting members that the Chief determines to be appropriate and who have expertise in:

- (a) Emergency management;
- (b) Homeland security;
- (c) Public safety;
- (d) Cybersecurity;
- (e) School safety; or
- (f) Public health.

3. With the approval of the Director of the Department of Public Safety, the Chief or his or her designee shall:

(a) Serve as the Chair and a voting member of the Committee; and

(b) Appoint one voting member of the Committee to serve as Vice Chair.

4. The term of office of each voting member of the Committee is 2 years. This term limit does not apply to the Chair.

Sec. 3. 1. The Nevada Resilience Advisory Committee shall meet at the call of the Chair of the Committee as frequently as required to perform its duties, but not less than once a month.

2. A majority of the voting members of the Committee constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Committee.

Sec. 4. 1. Except as otherwise provided in subsections 2 and 3, the Nevada Resilience Advisory Committee and any subcommittee formed pursuant to section 7 of this act shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings in accordance with that chapter.

2. The Committee and, with the prior approval of the Committee, any subcommittee formed pursuant to section 7 of this act may hold a closed meeting for sensitive issues relating to emergency management or homeland security if the Committee or subcommittee, as applicable, determines 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 information and materials received or prepared by the Committee and any subcommittee formed pursuant to section 7 of this act during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, are not subject to subpoena or discovery and are not subject to inspection by the general public.



1 **Sec. 5. 1. A member of the Nevada Resilience Advisory**
2 **Committee or any subcommittee formed pursuant to section 7 of**
3 **this act may not receive any compensation for his or her services**
4 **as a member of the Committee or the subcommittee.**

5 **2. Any member of the Committee or any subcommittee**
6 **formed pursuant to section 7 of this act who is a public employee**
7 **must be granted administrative leave from his or her duties to**
8 **engage in the business of the Committee or subcommittee, as**
9 **applicable, without loss of his or her regular compensation. Such**
10 **leave does not reduce the amount of his or her other accrued**
11 **leave.**

12 **3. Each member of the Committee or any subcommittee**
13 **formed pursuant to section 7 of this act is entitled, while engaged**
14 **in the business of the Committee or subcommittee, to receive the**
15 **per diem allowance and travel expenses provided for state officers**
16 **and employees generally. The per diem allowance and travel**
17 **expenses provided to a member of the Committee or subcommittee**
18 **who is an officer or employee of the State of Nevada or a political**
19 **subdivision of this State must be paid by the state agency or**
20 **political subdivision which employs him or her.**

21 **Sec. 6. The Nevada Resilience Advisory Committee shall,**
22 **within the limits of available money:**

23 **1. Annually develop state resilience goals and related**
24 **objectives for the Committee;**

25 **2. Formulate advisory recommendations and policies**
26 **regarding the emergency management, emergency response and**
27 **homeland security efforts for the State, as well as statewide**
28 **mitigation, preparedness, response and recovery efforts;**

29 **3. In accordance with the state resilience goals and related**
30 **objectives developed pursuant to subsection 1:**

31 **(a) Review grants proposed by state agencies, political**
32 **subdivisions or tribal governments that are responsible for**
33 **homeland security and make recommendations and provide**
34 **related advice concerning such grants to the Committee on**
35 **Finance appointed pursuant to NRS 239C.170;**

36 **(b) Review grants proposed by agencies of this State, political**
37 **subdivisions or tribal governments that are responsible for**
38 **emergency management or emergency response and make**
39 **recommendations and provide related advice concerning such**
40 **grants to the Chief of the Division; and**

41 **(c) Review statewide mitigation, preparedness, response and**
42 **recovery efforts in consultation with political subdivisions and**
43 **tribal governments and make recommendations to such political**
44 **subdivisions and tribal governments concerning these**
45 **coordination efforts; and**



4. *Develop the annual report required pursuant to section 10 of this act.*

Sec. 7. 1. *Subject to the provisions of subsection 2, the Nevada Resilience Advisory Committee may appoint any subcommittee deemed necessary by the Committee to assist in carrying out the duties of the Committee.*

2. *The Committee may appoint not more than two subcommittees at any time.*

3. *Each subcommittee formed pursuant to subsection 1 must:*

(a) *Have a specific objective; and*

(b) *Operate for not more than 6 months, unless an extension is approved by the Committee.*

4. *The Chair of the Committee shall appoint to a subcommittee formed pursuant to subsection 1 the number of voting members that the Chair of the Committee determines to be appropriate. The Chair may appoint any person the Chair deems appropriate to serve on a subcommittee, except that a subcommittee must include at least one member of the Committee.*

5. *At the first meeting of the subcommittee and, if an extension is approved pursuant to paragraph (b) of subsection 3, every 6 months thereafter, a subcommittee formed pursuant to subsection 1 shall select a chair and a vice chair from the members of the subcommittee.*

Sec. 8. *The Chief of the Division shall provide such staff assistance to the Nevada Resilience Advisory Committee as the Chief deems appropriate.*

Sec. 9. *The Nevada Resilience Advisory Committee may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of sections 2 to 10, inclusive, of this act and to defray expenses incurred by the Committee in the discharge of its duties.*

Sec. 10. *On or before February 1 of each year, the Nevada Resilience Advisory Committee shall:*

1. *Prepare a report setting forth:*

(a) *The activities of the Committee which occurred during the preceding calendar year;*

(b) *Any assessments of the programs and processes conducted by the Committee to achieve the state resilience goals and related objectives developed pursuant to section 6 of this act and the capacity of such programs and processes;*

(c) *Any recommendations created by the Committee that are based on the activities and assessments conducted during the preceding calendar year; and*



(d) A description of any matters with respect to which the Committee held a closed meeting or a closed portion of a meeting, as applicable, accompanied by an explanation of the reasons why the Committee determined that the meeting or portion thereof needed to be closed; and

2. Submit a copy of the report to:

(a) The Nevada Commission on Homeland Security;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,



1 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
2 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
3 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
4 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
5 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
6 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
7 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
8 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
9 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
10 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
11 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
12 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
13 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
14 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
15 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
16 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
17 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
18 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
19 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
20 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
21 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
22 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
23 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
24 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
25 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
26 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
27 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
28 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
29 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
30 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
31 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
32 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
33 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
34 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
35 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
36 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
37 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
38 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
39 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
40 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
41 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
42 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
43 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
44 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 4 of*
45 *this act and* sections 35, 38 and 41 of chapter 478, Statutes of



1 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
2 and unless otherwise declared by law to be confidential, all public
3 books and public records of a governmental entity must be open at
4 all times during office hours to inspection by any person, and may
5 be fully copied or an abstract or memorandum may be prepared
6 from those public books and public records. Any such copies,
7 abstracts or memoranda may be used to supply the general public
8 with copies, abstracts or memoranda of the records or may be used
9 in any other way to the advantage of the governmental entity or of
10 the general public. This section does not supersede or in any manner
11 affect the federal laws governing copyrights or enlarge, diminish or
12 affect in any other manner the rights of a person in any written book
13 or record which is copyrighted pursuant to federal law.

14 2. A governmental entity may not reject a book or record
15 which is copyrighted solely because it is copyrighted.

16 3. A governmental entity that has legal custody or control of a
17 public book or record shall not deny a request made pursuant to
18 subsection 1 to inspect or copy or receive a copy of a public book or
19 record on the basis that the requested public book or record contains
20 information that is confidential if the governmental entity can
21 redact, delete, conceal or separate the confidential information from
22 the information included in the public book or record that is not
23 otherwise confidential.

24 4. A person may request a copy of a public record in any
25 medium in which the public record is readily available. An officer,
26 employee or agent of a governmental entity who has legal custody
27 or control of a public record:

28 (a) Shall not refuse to provide a copy of that public record in a
29 readily available medium because the officer, employee or agent has
30 already prepared or would prefer to provide the copy in a different
31 medium.

32 (b) Except as otherwise provided in NRS 239.030, shall, upon
33 request, prepare the copy of the public record and shall not require
34 the person who has requested the copy to prepare the copy himself
35 or herself.

36 **Sec. 12.** NRS 241.016 is hereby amended to read as follows:

37 241.016 1. The meetings of a public body that are quasi-
38 judicial in nature are subject to the provisions of this chapter.

39 2. The following are exempt from the requirements of this
40 chapter:

41 (a) The Legislature of the State of Nevada.

42 (b) Judicial proceedings, including, without limitation,
43 proceedings before the Commission on Judicial Selection and,
44 except as otherwise provided in NRS 1.4687, the Commission on
45 Judicial Discipline.



(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 4 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 13. The provisions of subsection 1 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective upon passage and approval.

