

ASSEMBLY BILL NO. 441-ASSEMBLYMAN PERKINS

MARCH 17, 2003

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to ensuring security of State of Nevada and its residents with respect to acts of terrorism and related emergencies. (BDR 19-1139)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State: Contains Appropriation not included in Executive Budget.

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

Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to homeland security; creating the Nevada Commission on Homeland Security; setting forth the membership and duties of the Commission; providing certain exceptions to the open meeting law; requiring certain political subdivisions to adopt and maintain a response plan; establishing a plan for the continuation of state and local governmental operations; requiring certain utilities to conduct vulnerability assessments and to prepare emergency response plans; revising provisions relating to certain unlawful acts committed against utilities; allowing certain utilities to recover the just and reasonable costs of certain prudent and necessary security improvements and measures; providing for the confidentiality of certain documents, records and other information; imposing certain requirements for interoperability with respect to information and communication systems purchased by this state and local governments; requiring certain governmental entities to place automated external defibrillators in certain buildings and facilities; making various changes with respect to the authority of the Department of Motor Vehicles to accept and reject certain documents; increasing certain criminal penalties with respect to the fraudulent use of drivers'



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ASSEMBLY JUDICIARY

DATE: 4/10/03 ROOM: 3138 EXHIBIT E

SUBMITTED BY: JUDY STOKEY

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licenses and identification cards; making an appropriation; and providing other matters properly relating thereto.

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

- 1-1 Section 1. Title 19 of NRS is hereby amended by adding
1-2 thereto a new chapter to consist of the provisions set forth as
1-3 sections 2 to 25, inclusive, of this act.
- 1-4 **Sec. 2. *The Legislature hereby finds and declares that:***
- 1-5 **1. *The tragic events of September 11, 2001, have refocused***
1-6 ***attention on the importance of domestic preparedness for acts of***
1-7 ***terrorism and related emergencies.***
- 1-8 **2. *The events of September 11, 2001, not only impacted our***
1-9 ***homeland, but also the way of life for all Nevadans.***
- 1-10 **3. *More than ever, the Nevada Legislature, representatives of***
1-11 ***local government, law enforcement and other public safety***
1-12 ***personnel, health care workers and technical service providers***
1-13 ***must lead the charge in fighting against these destructive and***
1-14 ***demoralizing acts of violence with strong and effective procedural***
1-15 ***deterrents and enhanced criminal penalties.***
- 1-16 **4. *While local efforts and plans to respond to acts of***
1-17 ***terrorism and related emergencies are comprehensive, additional***
1-18 ***statewide provisions are necessary to adequately prepare for acts***
1-19 ***of cyber-terrorism, environmental catastrophes and other related***
1-20 ***incidents.***
- 1-21 **5. *As a result of the increased threat of terrorism, the***
1-22 ***Legislature is compelled to address critical infrastructures,***
1-23 ***governmental oversight and continuity, communications, and the***
1-24 ***protection of important government documents and plans.***
- 1-25 **6. *It is therefore within the public interest that the Legislature***
1-26 ***enact provisions to:***
- 1-27 ***(a) Protect sensitive state documents and computer systems***
1-28 ***from cyber-terrorism;***
- 1-29 ***(b) Secure the State's energy, telecommunications and water***
1-30 ***infrastructures;***
- 1-31 ***(c) Ensure the continuity of government in the event of a***
1-32 ***terrorist attack;***
- 1-33 ***(d) Develop policies providing for effective communication***
1-34 ***and interoperability among law enforcement and other first***
1-35 ***responders;***
- 1-36 ***(e) Provide safeguards in the issuance of government***
1-37 ***identification; and***
- 1-38 ***(f) Create an effective and comprehensive state oversight***
1-39 ***structure to coordinate these and other antiterrorism initiatives.***

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2-1 **Sec. 3. The provisions of this chapter supersede and preempt**
2-2 **any other state statutes and regulations and any local ordinances,**
2-3 **resolutions and regulations to the extent that such other laws**
2-4 **conflict with or are inconsistent with the provisions of this**
2-5 **chapter.**

2-6 **Sec. 4. As used in this chapter, unless the context otherwise**
2-7 **requires, the words and terms defined in sections 5 to 11,**
2-8 **inclusive, of this act have the meanings ascribed to them in those**
2-9 **sections.**

2-10 **Sec. 5. "Act of terrorism" means any act that involves the**
2-11 **use or the threatened or attempted use of sabotage, fear or**
2-12 **violence and is intended to:**

2-13 **1. Intimidate or coerce a civilian population;**
2-14 **2. Disrupt, affect or influence the conduct or policy of a**
2-15 **governmental entity by intimidation or coercion; or**
2-16 **3. Retaliate against a governmental entity or cause**
2-17 **widespread panic or civil unrest through the substantial**
2-18 **destruction, contamination, impairment or disruption of:**

2-19 **(a) Public infrastructure, communications, transportation,**
2-20 **utilities or services; or**
2-21 **(b) Natural resources or the environment.**

2-22 **Sec. 6. "Commission" means the Nevada Commission on**
2-23 **Homeland Security created by section 12 of this act.**

2-24 **Sec. 7. "Governmental utility" means:**

2-25 **1. Any utility that is owned, operated or controlled by this**
2-26 **state or an agency or instrumentality of this state, including,**
2-27 **without limitation, the Colorado River Commission of Nevada.**
2-28 **2. Any utility that is owned, operated or controlled by any**
2-29 **county, city, town, general improvement district, special district or**
2-30 **other local governmental entity under the authority of any general**
2-31 **law, special law or city charter or any cooperative, interlocal or**
2-32 **other agreement.**

2-33 **Sec. 8. "Information system" means any computer**
2-34 **equipment, computer software, procedures or technology used to**
2-35 **collect, process, distribute or store information.**

2-36 **Sec. 9. "Political subdivision" means a city or county of this**
2-37 **state.**

2-38 **Sec. 10. "Response agency" means an agency of this state or**
2-39 **of a political subdivision that provides services related to law**
2-40 **enforcement, firefighting, emergency medical care or public**
2-41 **safety.**

2-42 **Sec. 11. 1. "Utility" means any public or private entity that**
2-43 **provides water service, electric service or natural gas service to**
2-44 **500 or more service locations.**
2-45 **2. The term includes, without limitation:**

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3-1 (a) A governmental utility.
3-2 (b) A public utility that is regulated by the Public Utilities
3-3 Commission of Nevada pursuant to chapter 704 of NRS.
3-4 (c) A rural electric cooperative established pursuant to chapter
3-5 81 of NRS.
3-6 (d) A cooperative association, nonprofit corporation, nonprofit
3-7 association or provider of electric service which is declared to be a
3-8 public utility pursuant to NRS 704.673 and which provides service
3-9 only to its members.
3-10 Sec. 12. 1. The Nevada Commission on Homeland
3-11 Security, consisting of 12 members, is hereby created.
3-12 2. The Senate Majority Leader shall appoint two voting
3-13 members to the Commission:
3-14 (a) One of whom is a member of the Senate; and
3-15 (b) One of whom possesses expertise in the field of law
3-16 enforcement, firefighting, prevention of acts of terrorism or
3-17 responding to related types of emergencies.
3-18 3. The Speaker of the Assembly shall appoint two voting
3-19 members to the Commission:
3-20 (a) One of whom is a member of the Assembly; and
3-21 (b) One of whom possesses expertise in the field of law
3-22 enforcement, firefighting, prevention of acts of terrorism or
3-23 responding to related types of emergencies.
3-24 4. The Governor shall appoint seven voting members to the
3-25 Commission:
3-26 (a) One of whom is nominated by the Nevada Association of
3-27 Counties or its successor;
3-28 (b) One of whom is nominated by the Nevada League of Cities
3-29 ~~3-29~~ or its successor;
3-30 (c) One of whom is nominated by the Division of Emergency or its successor;
3-30 (ed) One of whom possesses expertise in the field of responding
3-31 to releases of nuclear, biological and chemical agents;
3-32 ~~3-32~~ (de) One of whom possesses expertise in the field of
utility physical or cyber security and/or emergency response. law
3-33 ~~enforcement;~~
3-34 (ef) One of whom possesses expertise in the field of
3-35 firefighting;
3-36 (fg) One of whom possesses expertise in the field of prevention
3-37 of acts of terrorism; and
3-38 (gh) One of whom possesses expertise in the field of providing
3-39 medical treatment to traumatically injured persons.
3-40 5. The Governor or his designee is a nonvoting member of
3-41 the Commission. The Governor or his designee shall serve as
3-42 Chairman of the Commission.
3-43 6. The voting members of the Commission shall elect from
3-44 among their membership a Vice Chairman. The term of office of
3-45 an officer elected pursuant to this subsection is 1 year.

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4-1 **Sec. 13. Except for the initial members:**
4-2 **1. The term of office of each voting member of the**
4-3 **Commission who is a Legislator is 2 years and commences on July**
4-4 **1 of the year of appointment.**
4-5 **2. The term of office of each voting member of the**
4-6 **Commission who is not a Legislator is 3 years and commences on**
4-7 **July 1 of the year of appointment.**
4-8 **The voting members of the Commission shall continue in office**
4-9 **until their successors are appointed. Voting members of the**
4-10 **Commission are eligible for reappointment, except that no voting**
4-11 **member may serve for any part of more than two consecutive**
4-12 **terms. Vacancies among the voting membership of the**
4-13 **Commission must be filled for the remainder of the unexpired**
4-14 **term in the same manner as the original appointment.**
4-15 **Sec. 14. 1. The Commission shall meet at the call of the**
4-16 **Chairman as frequently as required to perform its duties, but no**
4-17 **less than quarterly.**
4-18 **2. A majority of the voting members of the Commission**
4-19 **constitutes a quorum for the transaction of business, and a**
4-20 **majority of those voting members present at any meeting is**
4-21 **sufficient for any official action taken by the Commission.**
4-22 **Sec. 15. Members of the Commission serve without salary or**
4-23 **compensation for their travel or per diem expenses.**
4-24 **Sec. 16. 1. Except as otherwise provided in subsections 2**
4-25 **and 3, the Commission shall comply with the provisions of chapter**
4-26 **241 of NRS and all meetings of the Commission must be**
4-27 **conducted in accordance with that chapter.**
4-28 **2. The Commission may hold a closed meeting to:**
4-29 **(a) Receive security briefings;**
4-30 **(b) Discuss procedures for responding to acts of terrorism and**
4-31 **related emergencies; or**
4-32 **(c) Discuss deficiencies in security with respect to public**
4-33 **services, public facilities and infrastructure,**
4-34 **if the Commission determines, upon a majority vote of its**
4-35 **members, that the public disclosure of such matters would be**
4-36 **likely to compromise, jeopardize or otherwise threaten the safety of**
4-37 **the public.**
4-38 **3. All information and materials received or prepared by the**
4-39 **Commission during a meeting closed pursuant to subsection 2 and**
4-40 **all minutes and audiovisual or electronic reproductions of such a**
4-41 **meeting are confidential, not subject to subpoena or discovery,**
4-42 **and not subject to inspection by the general public.**
4-43 **Sec. 17. The Commission shall, within the limits of available**
4-44 **money:**

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5-1 1. Make recommendations to the Governor, the Legislature,
5-2 agencies of this state, political subdivisions, businesses located
5-3 within this state and private persons who reside in this state with
5-4 respect to actions and measures that may be taken to protect
5-5 residents of this state and visitors to this state from potential acts
5-6 of terrorism and related emergencies.
5-7 2. Propose goals and programs that may be set and carried
5-8 out, respectively, to counteract or prevent potential acts of
5-9 terrorism and related emergencies before such acts of terrorism
5-10 and related emergencies can harm or otherwise threaten residents
5-11 of this state and visitors to this state.
5-12 3. With respect to buildings, facilities, geographic features
5-13 and infrastructure that must be protected from acts of terrorism
5-14 and related emergencies to ensure the safety of the residents of
5-15 this state and visitors to this state, including, without limitation,
5-16 airports, the Capitol Complex, dams, highways, information
5-17 technology infrastructure, lakes, power lines, public buildings,
5-18 public utilities, reservoirs, rivers and their tributaries, and water
5-19 treatment facilities:
5-20 (a) Identify and categorize such buildings, facilities,
5-21 geographic features and infrastructure according to their
5-22 susceptibility to and need for protection from acts of terrorism and
5-23 related emergencies; and
5-24 (b) Study and assess the security of such buildings, facilities,
5-25 geographic features and infrastructure from acts of terrorism and
5-26 related emergencies.
5-27 4. Examine the use, deployment and coordination of response
5-28 agencies within this state to ensure that those agencies are
5-29 adequately prepared to protect residents of this state and visitors to
5-30 this state from acts of terrorism and related emergencies.
5-31 5. Assess, examine and review the use of information systems
5-32 and systems of communication used by response agencies within
5-33 this state to determine the degree to which such systems are
5-34 compatible and interoperable. After conducting the assessment,
5-35 examination and review, the Commission shall establish a state
5-36 plan setting forth criteria and standards for the compatibility and
5-37 interoperability of those systems when used by response agencies
5-38 within this state.
5-39 6. Assess, examine and review the operation and efficacy of
5-40 telephone systems and related systems used to provide emergency
5-41 911 service.
5-42 7. To the extent practicable, cooperate and coordinate with
5-43 the Division of Emergency Management of the Department of
5-44 Public Safety to avoid duplication of effort in developing policies

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6-1 *and programs for preventing and responding to acts of terrorism*
6-2 *and related emergencies.*
6-3 *8. Perform any other acts that the Commission determines*
6-4 *are necessary to protect or enhance:*
6-5 *(a) The safety and security of the State of Nevada;*
6-6 *(b) The safety of residents of the State of Nevada; and*
6-7 *(c) The safety of visitors to the State of Nevada.*
6-8 *Sec. 18. The Chairman of the Commission may, with the*
6-9 *approval of the Commission, appoint committees from its members*
6-10 *to assist in carrying out the duties of the Commission.*
6-11 *Sec. 19. The Governor shall provide such staff assistance to*
6-12 *the Commission as he deems appropriate and may designate a*
6-13 *state agency to provide such assistance.*
6-14 *Sec. 20. The Commission may apply for and receive gifts,*
6-15 *grants, contributions or other money from governmental and*
6-16 *private agencies, affiliated associations and other persons to carry*
6-17 *out the provisions of this chapter and to defray expenses incurred*
6-18 *by the Commission in the discharge of its duties.*
6-19 ~~6-19~~ *Sec. 21. 1. A document, record or other item of information*
6-20 *developed by the Commission*
6-20 *described in subsection 2 is confidential, not subject to subpoena*
6-21 *or discovery and not subject to inspection by the general public if unless*
6-22 *the Governor determines, by executive order, that the disclosure or*
6-23 *release of the document, record or other item of information*
6-24 *would not thereby create a substantial likelihood of compromising,*
6-25 *jeopardizing or otherwise threatening the public health, safety or*
6-26 *welfare.*
6-27 *2. The types of documents, records or other items of*
6-28 *information subject to executive order pursuant to subsection 1*
6-29 *are as follows:*
6-30 *(a) Documents, records or other items of information*
6-31 *pertaining to information technology.*
6-32 *(b) Assessments, plans or records that evaluate or reveal the*
6-33 *susceptibility of buildings, communication systems, facilities,*
6-34 *information systems or structures to acts of terrorism and related*
6-35 *emergencies.*
6-36 *(c) Drawings, maps, plans or records that reveal the*
6-37 *architecture, design or internal structure of buildings, facilities*
6-38 *and other structures, including, without limitation, airports,*
6-39 *arenas, the Capitol Complex, dams, highways, hospitals, facilities*
6-40 *for transmitting electricity, natural gas or other forms of energy,*
6-41 *reservoirs, stadiums and water treatment facilities.*
6-42 *(d) Logs or other documents or records revealing the location*
6-43 *and movement of security personnel at facilities housing sensitive*
6-44 *data, dangerous materials or materials that are integral to*
6-45 *responding to acts of terrorism and related emergencies.*

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7-1 (e) Drawings, maps, plans or records that reveal the design or
7-2 internal structure of alarm or security systems used to protect
7-3 buildings or facilities owned or leased by the State or a political
7-4 subdivision.
7-5 (f) Handbooks, manuals or other forms of information
7-6 detailing procedures to be followed in the event of acts of
7-7 terrorism and related emergencies.
7-8 (g) Maps, plans or records revealing the location of caches of
7-9 equipment or pharmaceutical drugs for use during times of
7-10 emergency.
7-11 (h) Documents or records revealing the whereabouts of
7-12 governmental officials during times of emergency.
7-13 3. As used in this section:
7-14 (a) "Information service" means any service relating to the
7-15 creation, maintenance, operation or use of an information system.
7-16 (b) "Information technology" means any information,
7-17 information system or information service acquired, developed,
7-18 operated, maintained or otherwise used by an agency of this state
7-19 or a political subdivision.
7-20 Sec. 22. 1. Each political subdivision shall adopt and
7-21 maintain a response plan. Each new or revised plan must be filed
7-22 within 10 days after adoption or revision with:
7-23 (a) The Commission;
7-24 (b) The Division of Emergency Management of the
7-25 Department of Public Safety; and
7-26 (c) Each response agency that provides services to the political
7-27 subdivision.
7-28 2. The response plan required by subsection 1 must include:
7-29 (a) A drawing or map of the layout and boundaries of the
7-30 political subdivision;
7-31 (b) A drawing or description of the streets and highways
7-32 within, and leading into and out of, the political subdivision,
7-33 including any approved routes for evacuation;
7-34 (c) The location and inventory of emergency response
7-35 equipment and resources within the political subdivision;
7-36 (d) The location of any unusually hazardous substances within
7-37 the political subdivision;
7-38 (e) A telephone number that may be used by residents of the
7-39 political subdivision to receive information and to make reports
7-40 with respect to an act of terrorism or related emergency;
7-41 (f) The location of one or more emergency response command
7-42 posts that are located within the political subdivision;
7-43 (g) A depiction of the location of each police station, sheriff's
7-44 office and fire station that is located within the political
7-45 subdivision;

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8-1 *(h) Plans for the continuity of the operations and services of*
8-2 *the political subdivision, which plans must be consistent with the*
8-3 *provisions of section 23 of this act; and*
8-4 *(i) Any other information that the Commission may determine*
8-5 *to be relevant.*
8-6 *3. A plan filed pursuant to the requirements of this section,*
8-7 *including any revisions adopted thereto, is confidential and must*
8-8 *be securely maintained by the entities with whom it is filed*
8-9 *pursuant to subsection 1. An officer, employee or other person to*
8-10 *whom the plan is entrusted by the entity with whom it is filed shall*
8-11 *not disclose the contents of such a plan except:*
8-12 *(a) Upon the lawful order of a court of competent jurisdiction;*
8-13 *or*
8-14 *(b) As is reasonably necessary in the case of an act of*
8-15 *terrorism or related emergency.*
8-16 *Sec. 23. 1. In accordance with the provisions of Section 37*
8-17 *of Article 4 of the Nevada Constitution, the Nevada Legislature*
8-18 *hereby establishes a plan for continuation of state and local*
8-19 *governmental operations. The provisions set forth in this section*
8-20 *apply only in, and must be used in accordance with, the*
8-21 *circumstances described in subsection 2.*
8-22 *2. In the event that this state or a portion of this state is*
8-23 *stricken by a catastrophic emergency of such magnitude that, in*
8-24 *the opinion of the Governor or, in the absence of the Governor,*
8-25 *the Lieutenant Governor, the existing provisions of the Nevada*
8-26 *Constitution and the statutes of this state relating to the filling of*
8-27 *vacancies in office are not able to provide for a sufficiently*
8-28 *expedient continuity of government and temporary succession of*
8-29 *power as a result of vacancies in office created by the catastrophic*
8-30 *emergency, the provisions of subsections 3 to 10, inclusive, apply.*
8-31 *3. If a vacancy occurs in the Office of Governor as a result of*
8-32 *a catastrophic emergency and none of the successors described in*
8-33 *NRS 223.080 are able or available to act as Governor, the*
8-34 *Legislature shall elect a person to serve as Governor.*
8-35 *4. If vacancies occur in more than 15 percent of the seats in*
8-36 *either house of the Legislature as a result of a catastrophic*
8-37 *emergency:*
8-38 *(a) The remaining Legislators available for duty constitute the*
8-39 *Legislature and have full power to act in separate or joint*
8-40 *assembly by majority vote of those present;*
8-41 *(b) Any requirements for a quorum applicable to the*
8-42 *Legislature must initially be suspended and must subsequently be*
8-43 *adjusted as vacant offices are filled pursuant to NRS 218.043; and*
8-44 *(c) If the affirmative vote of a specified proportion of members*
8-45 *of the Legislature is required for the approval of a legislative*

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9-1 *measure, the same proportion of remaining members of the*
9-2 *Legislature is sufficient for approval of that measure.*
9-3 *5. If vacancies occur in more than 15 percent of the positions*
9-4 *held by justices on the Supreme Court as a result of a catastrophic*
9-5 *emergency, the vacancies must be filled by appointment of the*
9-6 *Governor.*
9-7 *6. If vacancies occur in more than 15 percent of the positions*
9-8 *held by the district judges in any one judicial district as a result of*
9-9 *a catastrophic emergency, the vacancies must be filled by*
9-10 *appointment of the Supreme Court.*
9-11 *7. If vacancies occur on a board of county commissioners as*
9-12 *a result of a catastrophic emergency:*
9-13 *(a) The remaining members of the board available for duty*
9-14 *constitute the board and have full power to act by majority vote of*
9-15 *those present; and*
9-16 *(b) Any requirements for a quorum applicable to the board*
9-17 *must initially be suspended and must subsequently be adjusted as*
9-18 *vacant offices are filled.*
9-19 *If a board of county commissioners is rendered entirely vacant as*
9-20 *a result of a catastrophic emergency, such other elected officers of*
9-21 *the county as may be available to serve on the board have full*
9-22 *authority to act in all matters as a board of county commissioners.*
9-23 *8. If vacancies occur on a city council as a result of a*
9-24 *catastrophic emergency:*
9-25 *(a) The remaining members of the council available for duty*
9-26 *constitute the council and have full power to act by majority vote*
9-27 *of those present; and*
9-28 *(b) Any requirements for a quorum applicable to the council*
9-29 *must initially be suspended and must subsequently be adjusted as*
9-30 *vacant offices are filled.*
9-31 *If a city council is rendered entirely vacant as a result of a*
9-32 *catastrophic emergency, such other elected officers of the city as*
9-33 *may be available to serve on the council have full authority to act*
9-34 *in all matters as a city council.*
9-35 *9. If, during or following a catastrophic emergency, a*
9-36 *majority of the members of a legislative body described in this*
9-37 *section determines that, for purposes of safety or to address related*
9-38 *concerns, the legislative body should meet at a location other than*
9-39 *the location at which the legislative body ordinarily meets, the*
9-40 *legislative body may arrange to meet at an alternate location.*
9-41 *10. After a catastrophic emergency has taken place, the*
9-42 *Governor or, in the absence of the Governor, the Lieutenant*
9-43 *Governor, shall:*

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10-1 (a) Determine and announce publicly when conditions have
10-2 normalized within this state or the portion thereof affected by the
10-3 catastrophic emergency.
10-4 (b) In cooperation with the Secretary of State, develop
10-5 procedures and a reasonable schedule for filling by regular
10-6 election the various offices filled temporarily pursuant to this
10-7 section.
10-8 11. As used in this section, "catastrophic emergency" means
10-9 an emergency resulting from disasters caused by enemy attack, in
10-10 accordance with Section 37 of Article 4 of the Nevada
10-11 Constitution.
10-12 Sec. 24. 1. Each utility shall:
10-13 ~~10-13~~ (a) Conduct a vulnerability assessment consistent with
10-14 federal and regional governing agencies for that utility
10-15 in accordance with the requirements of the governing
10-16 federal and regional agencies. which must consist of a
10-17 ~~comprehensive evaluation and review of its operations, systems,~~
10-18 ~~assets, infrastructure and personnel to assess any vulnerabilities~~
10-19 ~~of the utility to potential unlawful acts involving terrorism or~~
10-20 ~~sabotage and to determine the potential consequences that could~~
10-21 ~~result from such acts; and~~
10-22 ~~10-19 (b) Prepare and maintain an emergency response plan~~
10-23 ~~consistent with federal and regional governing agencies for that utility~~
10-24 ~~in accordance with the requirements of the governing~~
10-25 ~~federal and regional agencies. that~~
10-26 ~~addresses the manner in which the utility will respond to potential~~
10-27 ~~unlawful acts involving terrorism or sabotage and the potential~~
10-28 ~~consequences that could result from such acts.~~
10-29 2. Each utility shall:
10-30 (a) As soon as practicable but not later than December 31,
10-31 ~~40-25-2003, submit the plans required by subsection 1(a) and (b)~~
10-32 ~~its vulnerability assessment and emergency response~~
10-33 ~~plan to the Commission, and, if the utility is regulated pursuant to~~
10-34 ~~chapter 704 of NRS, to the Public Utilities Commission of Nevada;~~
10-35 ~~and~~
10-36 ~~40-29 (b) At least once each year thereafter, review~~
10-37 ~~the plans required by subsection 1(a) and (b) its vulnerability~~
10-38 ~~assessment and emergency response plan and, as soon as~~
10-39 ~~practicable after its review is completed but not later than~~
10-40 ~~December 31 of each year, submit the results of its review and any~~
10-41 ~~additions or modifications to its emergency response plans to the~~
10-42 ~~Commission, and, if the utility is regulated pursuant to chapter 704~~
10-43 ~~of NRS, to the Public Utilities Commission of Nevada.~~
10-44 ~~40-36 3. The plans required by subsection 1(a) and (b)~~
10-45 ~~Each vulnerability assessment and emergency response~~
10-46 ~~plan of a utility and any other information concerning a utility~~
10-47 ~~that is necessary to carry out the provisions of this section is~~
10-48 ~~confidential and must be securely maintained by each person or~~
10-49 ~~entity that has possession, custody or control of the information.~~
10-50 4. A person shall not disclose such information, except:
10-51 (a) Upon the lawful order of a court of competent jurisdiction;
10-52 (b) As is reasonably necessary to carry out the provisions of
10-53 ~~40-44 this section or the operations of the utility as determined~~
10-54 ~~by the Commission the utility; or~~

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11-1 (c) *As is reasonably necessary in the case of an emergency*
11-2 *involving public health or safety as determined*
11-3 *by the Commission and the utility.*
11-4 **5. If a person knowingly and unlawfully discloses such**
11-5 **information or assists, solicits or conspires with another person to**
11-6 **disclose such information, the person is guilty of:**
11-7 (a) *A gross misdemeanor; or*
11-8 (b) *A category C felony and shall be punished as provided in*
11-9 *NRS 193.130 if the person acted with the intent to:*
11-10 (1) *Commit, cause, aid, further or conceal, or attempt to*
11-11 *commit, cause, aid, further or conceal, any unlawful act involving*
11-12 *terrorism or sabotage; or*
11-13 (2) *Assist, solicit or conspire with another person to*
11-14 *commit, cause, aid, further or conceal any unlawful act involving*
11-15 *terrorism or sabotage.*
11-16 **Sec. 25.** NRS 205.465 is hereby amended to read as follows:
11-17 205.465 1. It is unlawful for a person to possess, sell or
11-18 transfer any document or personal identifying information for the
11-19 purpose of establishing a false status, occupation, membership,
11-20 license or identity for himself or any other person.
11-21 2. A person who:
11-22 (a) Sells or transfers any such document or personal identifying
11-23 information in violation of subsection 1; or
11-24 (b) Possesses any such document or personal identifying
11-25 information in violation of subsection 1 to commit any of the crimes
11-26 set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513,
11-27 inclusive, or 205.610 to 205.810, inclusive,
11-28 is guilty of a category C felony and shall be punished as provided in
11-29 NRS 193.130.
11-30 3. Except as otherwise provided in *this subsection and*
11-31 *subsection 2, a person who possesses any such document or*
11-32 *personal identifying information in violation of subsection 1 is*
11-33 *guilty of a category E felony and shall be punished as provided in*
11-34 *NRS 193.130. If a person possesses any such document or*
11-35 *personal identifying information in violation of subsection 1 for*
11-36 *the sole purpose of establishing false proof of age, the person is*
11-37 *guilty of a misdemeanor.*
11-38 4. Subsection 1 does not:
11-39 (a) Preclude the adoption by a city or county of an ordinance
11-40 prohibiting the possession of any such document or personal
11-41 identifying information; or
11-42 (b) Prohibit the possession or use of any such document or
11-43 personal identifying information by officers of local police, sheriff
11-44 and metropolitan police departments and by agents of the
Investigation Division of the Department of Public Safety while

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12-1 engaged in undercover investigations related to the lawful discharge
12-2 of their duties.

12-3 5. As used in this section:

12-4 (a) "Document" includes, without limitation, a photocopy print,
12-5 photostat and other replica of a document.

12-6 (b) "Personal identifying information" means any information
12-7 designed, commonly used or capable of being used, alone or in
12-8 conjunction with any other information, to identify a person,
12-9 including, without limitation:

12-10 (1) The name, driver's license number, social security
12-11 number, savings account number, credit card number, debit card
12-12 number, date of birth, place of employment and maiden name of the
12-13 mother of a person; and

12-14 (2) The fingerprints, voiceprint, retina image and iris image
12-15 of a person.

12-16 Sec. 26. NRS 207.345 is hereby amended to read as follows:

12-17 207.345 ~~{Every person who impersonates}~~

12-18 1. *A person shall not:*

12-19 (a) *Impersonate an officer or employee of a utility ~~{company or~~*
12-20 *who} or, without authority ~~{assumes}~~, assume any characteristic,*
12-21 *such as a uniform or insignia, or any identification by which ~~{such~~*
12-22 *person} an officer or employee of a utility is distinguished~~, and in~~*
12-23 *such assumed character does}, known or identified; and*

12-24 (b) *Use the impersonation or the assumed characteristic or*
12-25 *identity to commit or attempt to commit any unlawful act or any*
12-26 *act ~~{purporting}~~ in which the person purports to represent the utility*
12-27 *~~{company,} or an officer or employee of the utility.~~*

12-28 2. *A person who violates any provision of this section is guilty*
12-29 *of ~~{a misdemeanor.}~~:*

12-30 (a) *A gross misdemeanor; or*

12-31 (b) *A category C felony and shall be punished as provided in*
12-32 *NRS 193.130 if the person acted with the intent to:*

12-33 (1) *Commit, cause, aid, further or conceal, or attempt to*
12-34 *commit, cause, aid, further or conceal, any unlawful act involving*
12-35 *terrorism or sabotage; or*

12-36 (2) *Assist, solicit or conspire with another person to*
12-37 *commit, cause, aid, further or conceal any unlawful act involving*
12-38 *terrorism or sabotage.*

12-39 Sec. 27. Chapter 332 of NRS is hereby amended by adding
12-40 thereto a new section to read as follows:

12-41 1. *On and after July 1, 2003, a governing body or its*
12-42 *authorized representative shall not purchase an information*
12-43 *system or system of communication, or any component thereof, for*
12-44 *use by a response agency unless the system or component complies*

13-1 *with the plan established pursuant to subsection 5 of section 17 of*
13-2 *this act.*

13-3 **2. On and after July 1, 2003, any grant or other money**
13-4 *received by a local government from the Federal Government for*
13-5 *the purchase of an information system or system of*
13-6 *communication, or any component thereof, for use by a response*
13-7 *agency must not be used to purchase such a system or component*
13-8 *unless the system or component complies with the plan established*
13-9 *pursuant to subsection 5 of section 17 of this act.*

13-10 **3. As used in this section:**

13-11 **(a) "Information system" has the meaning ascribed to it in**
13-12 *section 8 of this act.*

13-13 **(b) "Response agency" has the meaning ascribed to it in**
13-14 *section 10 of this act.*

13-15 **Sec. 28.** Chapter 333 of NRS is hereby amended by adding
13-16 thereto a new section to read as follows:

13-17 **1. On and after July 1, 2003, the Chief, the Purchasing**
13-18 *Division or a using agency shall not purchase an information*
13-19 *system or system of communication, or any component thereof, for*
13-20 *use by a response agency unless the system or component complies*
13-21 *with the plan established pursuant to subsection 5 of section 17 of*
13-22 *this act.*

13-23 **2. On and after July 1, 2003, any grant or other money**
13-24 *received by the Chief, the Purchasing Division or a using agency*
13-25 *from the Federal Government for the purchase of an information*
13-26 *system or system of communication, or any component thereof, for*
13-27 *use by a response agency must not be used to purchase such a*
13-28 *system or component unless the system or component complies*
13-29 *with the plan established pursuant to subsection 5 of section 17 of*
13-30 *this act.*

13-31 **3. As used in this section:**

13-32 **(a) "Information system" has the meaning ascribed to it in**
13-33 *section 8 of this act.*

13-34 **(b) "Response agency" has the meaning ascribed to it in**
13-35 *section 10 of this act.*

13-36 **Sec. 29.** NRS 414.090 is hereby amended to read as follows:
13-37 414.090 1. Each political subdivision of this state ~~may~~ **shall**
13-38 *establish a local organization for emergency management in*
13-39 *accordance with the state emergency management plan and program*
13-40 *for emergency management. Such a political subdivision may confer*
13-41 *or authorize the conferring upon members of the auxiliary police the*
13-42 *powers of police officers, subject to such restrictions as it imposes.*
13-43 *Each local organization for emergency management must have a*
13-44 *director who must be appointed by the executive officer or*
13-45 *governing body of the political subdivision, and who has direct*

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14-1 responsibility for the organization, administration and operation of
14-2 the local organization for emergency management , subject to the
14-3 direction and control of the executive officer or governing body.
14-4 Each local organization for emergency management shall perform
14-5 functions of emergency management within the territorial limits of
14-6 the political subdivision within which it is organized{,} and, in
14-7 addition, shall conduct such functions outside of such territorial
14-8 limits as may be required pursuant to the provisions of
14-9 NRS 414.100.

14-10 2. In carrying out the provisions of this chapter, each political
14-11 subdivision in which any emergency or disaster described in NRS
14-12 414.020 occurs may enter into contracts and incur obligations
14-13 necessary to combat such an emergency or disaster, protect the
14-14 health and safety of persons and property , and provide emergency
14-15 assistance to the victims of such an emergency or disaster. Each
14-16 political subdivision may exercise the powers vested under this
14-17 section in the light of the exigencies of the extreme emergency or
14-18 disaster without regard to time-consuming procedures and
14-19 formalities prescribed by law, except constitutional requirements,
14-20 pertaining to the performance of public work, entering into
14-21 contracts, the incurring of obligations, the employment of temporary
14-22 workers, the rental of equipment, the purchase of supplies and
14-23 materials, the levying of taxes, and the appropriation and
14-24 expenditure of public funds.

14-25 Sec. 30. Chapter 450B of NRS is hereby amended by adding
14-26 thereto a new section to read as follows:

14-27 1. *Not later than July 1, 2004, and thereafter:*

14-28 (a) *The board of trustees of a school district in a county whose*
14-29 *population is 100,000 or more shall ensure that at least one*
14-30 *automated external defibrillator is placed in a central location at*
14-31 *each high school within the district.*

14-32 (b) *The Airport Authority of Washoe County shall ensure that*
14-33 *at least three automated external defibrillators are placed in*
14-34 *central locations at the largest airport within the county.*

14-35 (c) *The board of county commissioners of each county whose*
14-36 *population is 400,000 or more shall ensure that at least seven*
14-37 *automated external defibrillators are placed in central locations at*
14-38 *the largest airport within the county.*

14-39 (d) *The Board of Regents of the University of Nevada shall*
14-40 *ensure that at least two automated external defibrillators are*
14-41 *placed in central locations at each of:*

14-42 (1) *The largest indoor sporting arena or events center*
14-43 *controlled by the University in a county whose population is*
14-44 *100,000 or more but less than 400,000; and*

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15-1 (2) *The largest indoor sporting arena or events center*
15-2 *controlled by the University in a county whose population is*
15-3 *400,000 or more.*

15-4 (e) *The Health Division shall ensure that at least one*
15-5 *automated external defibrillator is placed in a central location at*
15-6 *each of the following state buildings:*

15-7 (1) *The Capitol Building in Carson City;*
15-8 (2) *The Kinkead Building in Carson City;*
15-9 (3) *The Legislative Building in Carson City; and*
15-10 (4) *The Grant Sawyer Building in Las Vegas.*

15-11 (f) *The board of county commissioners of each county whose*
15-12 *population is 100,000 or more shall:*

15-13 (1) *Identify five county buildings or offices in each of their*
15-14 *respective counties which are characterized by large amounts of*
15-15 *pedestrian traffic or which house one or more county agencies*
15-16 *that provide services to large numbers of persons; and*

15-17 (2) *Ensure that at least one automated external defibrillator*
15-18 *is placed in a central location at each county building or office*
15-19 *identified pursuant to subparagraph (1).*

15-20 2. *Each governmental entity that is required to ensure the*
15-21 *placement of one or more automated external defibrillators*
15-22 *pursuant to subsection 1:*

15-23 (a) *May accept gifts, grants and donations for use in*
15-24 *obtaining, inspecting and maintaining the defibrillators; and*
15-25 (b) *Shall ensure that those defibrillators are inspected and*
15-26 *maintained on a regular basis.*

15-27 3. *As used in this section, "automated external defibrillator"*
15-28 *means a medical device that:*

15-29 (a) *Has been approved by the United States Food and Drug*
15-30 *Administration;*
15-31 (b) *Is capable of recognizing the presence or absence, in a*
15-32 *patient, of ventricular fibrillation and rapid ventricular*
15-33 *tachycardia;*
15-34 (c) *Is capable of determining, without intervention by the*
15-35 *operator of the device, whether defibrillation should be performed*
15-36 *on the patient;*
15-37 (d) *Upon determining that defibrillation should be performed,*
15-38 *automatically charges and requests delivery of an electrical*
15-39 *impulse to the patient's heart; and*
15-40 (e) *Upon action by the operator of the device, delivers to the*
15-41 *patient's heart an appropriate electrical impulse.*

15-42 Sec. 31. NRS 483.290 is hereby amended to read as follows:
15-43 483.290 1. Every application for an instruction permit or for
15-44 a driver's license must:
15-45 (a) Be made upon a form furnished by the Department.

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16-1 (b) Be verified by the applicant before a person authorized to
16-2 administer oaths. Officers and employees of the Department may
16-3 administer those oaths without charge.

16-4 (c) Be accompanied by the required fee.

16-5 (d) State the full name, date of birth, sex and residence address
16-6 of the applicant and briefly describe the applicant.

16-7 (e) State whether the applicant has theretofore been licensed as a
16-8 driver, and, if so, when and by what state or country, and whether
16-9 any such license has ever been suspended or revoked, or whether an
16-10 application has ever been refused, and, if so, the date of and reason
16-11 for the suspension, revocation or refusal.

16-12 (f) Include such other information as the Department may
16-13 require to determine the competency and eligibility of the applicant.

16-14 2. ~~Every~~ *Except as otherwise provided in subsections 5, 6*
16-15 *and 7, every* applicant must furnish proof of his age by displaying:

16-16 (a) If the applicant was born in the United States, a birth
16-17 certificate issued by a state or the District of Columbia or other
16-18 proof of the date of birth of the applicant, including, but not limited
16-19 to, a driver's license issued by another state or the District of
16-20 Columbia, or a baptismal certificate and other proof that is
16-21 determined to be necessary and is acceptable to the Department; or

16-22 (b) If the applicant was born outside the United States, a
16-23 Certificate of Citizenship, Certificate of Naturalization, ~~Arrival-~~
16-24 ~~Departure Record, Alien Registration Receipt Card, United States~~
16-25 ~~Citizen Identification Card or Letter of Authorization~~ *Permanent*
16-26 *Resident Card or Temporary Resident Card* issued by the
16-27 ~~Immigration and Naturalization Service of the United States~~
16-28 ~~Department of Justice~~ *Bureau of Citizenship and Immigration*
16-29 *Services* or a *Consular Report of Birth Abroad* ~~{of a United States~~
16-30 ~~Citizen-Child}~~ issued by the Department of State, a driver's license
16-31 issued by another state or the District of Columbia or other proof
16-32 acceptable to the Department other than a passport issued by a
16-33 foreign government.

16-34 3. At the time of applying for a driver's license, an applicant
16-35 may, if eligible, register to vote pursuant to NRS 293.524.

16-36 4. Every applicant who has been assigned a social security
16-37 number must furnish proof of his social security number by
16-38 displaying:

16-39 (a) An original card issued to the applicant by the Social
16-40 Security Administration bearing the social security number of the
16-41 applicant; or

16-42 (b) Other proof acceptable to the Department, including, but not
16-43 limited to, records of employment or federal income tax returns.

16-44 5. *The Department may refuse to accept a driver's license*
16-45 *issued by another state or the District of Columbia if the*

17-1 *Department determines that the other state or the District of*
17-2 *Columbia has less stringent standards than the State of Nevada*
17-3 *for the issuance of a driver's license.*
17-4 *6. With respect to any document described in paragraph (b)*
17-5 *of subsection 2, the Department may:*
17-6 *(a) If the document has expired, refuse to accept the document*
17-7 *or refuse to issue a driver's license to the person presenting the*
17-8 *document, or both; and*
17-9 *(b) If the document specifies a date by which the person*
17-10 *presenting the document must depart from the United States, issue*
17-11 *to the person presenting the document a driver's license that*
17-12 *expires on the date on which the person is required to depart from*
17-13 *the United States.*
17-14 *7. The Director shall adopt regulations setting forth criteria*
17-15 *pursuant to which the Department will issue or refuse to issue a*
17-16 *driver's license in accordance with this section to a person who is*
17-17 *a citizen of a foreign country. The criteria must be based upon the*
17-18 *purpose for which that person is present within the United States.*
17-19 **Sec. 32.** NRS 483.530 is hereby amended to read as follows:
17-20 483.530 ~~{#}~~
17-21 *1. Except as otherwise provided in subsection 2, it is a*
17-22 *misdemeanor for any person:*
17-23 ~~{1-}~~ *(a) To display or cause or permit to be displayed or have in*
17-24 *his possession any cancelled, revoked, suspended, fictitious,*
17-25 *fraudulently altered or fraudulently obtained driver's license;*
17-26 ~~{2-}~~ *(b) To alter, forge, substitute, counterfeit or use an*
17-27 *unvalidated driver's license;*
17-28 ~~{3-}~~ *(c) To lend his driver's license to any other person or*
17-29 *knowingly permit the use thereof by another;*
17-30 ~~{4-}~~ *(d) To display or represent as one's own any driver's license*
17-31 *not issued to him;*
17-32 ~~{5-}~~ *(e) To fail or refuse to surrender to the Department, a peace*
17-33 *officer or a court upon lawful demand any driver's license which*
17-34 *has been suspended, revoked or cancelled;*
17-35 ~~{6-}~~ *To use a false or fictitious name in any application for a*
17-36 *driver's license or knowingly to make a false statement or*
17-37 *knowingly to conceal a material fact or otherwise commit a fraud in*
17-38 *any such application;*
17-39 ~~{7-}~~ *(f) To permit any unlawful use of a driver's license issued to*
17-40 *him;*
17-41 ~~{8-}~~ *(g) To do any act forbidden, or fail to perform any act*
17-42 *required, by NRS 483.010 to 483.630, inclusive; or*
17-43 ~~{9-}~~ *(h) To photograph, photostat, duplicate~~{-}~~ or in any way*
17-44 *reproduce any driver's license or facsimile thereof in such a manner*
17-45 *that it could be mistaken for a valid license, or to display or have in*

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18-1 his possession any such photograph, photostat, duplicate,
18-2 reproduction or facsimile unless authorized by this chapter.
18-3 2. *Except as otherwise provided in this subsection, a person*
18-4 *who uses a false or fictitious name in any application for a*
18-5 *driver's license or identification card or who knowingly makes a*
18-6 *false statement or knowingly conceals a material fact or otherwise*
18-7 *commits a fraud in any such application is guilty of a category E*
18-8 *felony and shall be punished as provided in NRS 193.130. If the*
18-9 *false statement, knowing concealment of a material fact or other*
18-10 *commission of fraud described in this subsection relates solely to*
18-11 *the age of a person, the person is guilty of a misdemeanor.*
18-12 Sec. 33. NRS 483.860 is hereby amended to read as follows:
18-13 483.860 1. ~~Every~~ *Except as otherwise provided in*
18-14 *subsection 3, every applicant for an identification card must furnish*
18-15 *proof of his age by presenting a birth certificate issued by a state or*
18-16 *the District of Columbia or other proof of the applicant's date of*
18-17 *birth, including, but not limited to, a driver's license issued by*
18-18 *another state or the District of Columbia, or a baptismal certificate*
18-19 *and such other corroboration of the matters stated in his application*
18-20 *as are required of applicants for a driver's license.*
18-21 2. Every applicant who has been assigned a social security
18-22 number must furnish proof of his social security number by
18-23 displaying:
18-24 (a) An original card issued to the applicant by the Social
18-25 Security Administration bearing the applicant's social security
18-26 number; or
18-27 (b) Other proof acceptable to the Department, including, but not
18-28 limited to, records of employment or federal income tax returns.
18-29 3. *The Department may refuse to accept a driver's license*
18-30 *issued by another state or the District of Columbia if the*
18-31 *Department determines that the other state or the District of*
18-32 *Columbia has less stringent standards than the State of Nevada*
18-33 *for the issuance of a driver's license.*
18-34 Sec. 34. NRS 486.081 is hereby amended to read as follows:
18-35 486.081 1. Every application for a motorcycle driver's
18-36 license must be made upon a form furnished by the Department and
18-37 must be verified by the applicant before a person authorized to
18-38 administer oaths. Officers and employees of the Department may
18-39 administer those oaths without charge.
18-40 2. Every application must:
18-41 (a) State the full name, date of birth, sex and residence address
18-42 of the applicant;
18-43 (b) Briefly describe the applicant;
18-44 (c) State whether the applicant has previously been licensed as a
18-45 driver, and, if so, when and by what state or country;

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19-1 (d) State whether any such license has ever been suspended or
19-2 revoked, or whether an application has ever been refused, and, if so,
19-3 the date of and reason for such suspension, revocation or refusal;
19-4 and
19-5 (e) Give such other information as the Department requires to
19-6 determine the competency and eligibility of the applicant.

19-7 3. ~~Every~~ **Except as otherwise provided in subsections 4, 5**
19-8 **and 6, every** applicant shall furnish proof of his age by displaying:
19-9 (a) If he was born in the United States, a certified state-issued
19-10 birth certificate, baptismal certificate, driver's license issued by
19-11 another state or the District of Columbia or other proof acceptable to
19-12 the Department; or
19-13 (b) If he was born outside the United States, a:
19-14 (1) Certificate of Citizenship, Certificate of Naturalization,
19-15 ~~Arrival-Departure Record, Alien Registration Receipt Card, United~~
19-16 ~~States Citizen Identification Card or Letter of Authorization~~
19-17 **Permanent Resident Card or Temporary Resident Card** issued by
19-18 the ~~Immigration and Naturalization Service of the Department of~~
19-19 ~~Justice;~~ **Bureau of Citizenship and Immigration Services;**
19-20 (2) **Consular Report of Birth Abroad** ~~of a United States~~
19-21 ~~Citizen-Child~~ issued by the Department of State;
19-22 (3) Driver's license issued by another state or the District of
19-23 Columbia; or
19-24 (4) Passport issued by the United States Government.

19-25 4. **The Department may refuse to accept a driver's license**
19-26 **issued by another state or the District of Columbia if the**
19-27 **Department determines that the other state or the District of**
19-28 **Columbia has less stringent standards than the State of Nevada**
19-29 **for the issuance of a driver's license.**

19-30 5. **With respect to any document described in paragraph (b)**
19-31 **of subsection 3, the Department may:**
19-32 (a) **If the document has expired, refuse to accept the document**
19-33 **or refuse to issue a driver's license to the person presenting the**
19-34 **document, or both; and**
19-35 (b) **If the document specifies a date by which the person**
19-36 **presenting the document must depart from the United States, issue**
19-37 **to the person presenting the document a driver's license that**
19-38 **expires on the date on which the person is required to depart from**
19-39 **the United States.**

19-40 6. **The Director shall adopt regulations setting forth criteria**
19-41 **pursuant to which the Department will issue or refuse to issue a**
19-42 **driver's license in accordance with this section to a person who is**
19-43 **a citizen of a foreign country. The criteria must be based upon the**
19-44 **purpose for which that person is present within the United States.**

19-45 Sec. 35. NRS 703.190 is hereby amended to read as follows:

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20-1 703.190 1. Except as otherwise provided in this section[,]
20-2 and section 45 of this act, all biennial reports, records, proceedings,
20-3 papers and files of the Commission must be open at all reasonable
20-4 times to the public.

20-5 2. The Commission shall, upon receipt of a request from a
20-6 public utility, prohibit the disclosure of any information in its
20-7 possession concerning the public utility if the Commission
20-8 determines that the information would otherwise be entitled to
20-9 protection as a trade secret or confidential commercial information
20-10 pursuant to NRS 49.325 or 600A.070 or Rule 26(c)(7) of the
20-11 Nevada Rules of Civil Procedure. Upon making such a
20-12 determination, the Commission shall establish the period during
20-13 which the information must not be disclosed and a procedure for
20-14 protecting the information during and after that period.

20-15 Sec. 36. NRS 703.196 is hereby amended to read as follows:

20-16 703.196 1. Any books, accounts, records, minutes, papers
20-17 and property of any public utility that are subject to examination
20-18 pursuant to NRS 703.190 or 703.195 and are made available to the
20-19 Commission, any officer or employee of the Commission, the
20-20 Bureau of Consumer Protection in the Office of the Attorney
20-21 General or any other person under the condition that the disclosure
20-22 of such information to the public be withheld or otherwise limited,
20-23 must not be disclosed to the public unless the Commission first
20-24 determines that the disclosure is justified.

20-25 2. The Commission shall take such actions as are necessary to
20-26 protect the confidentiality of such information, including, without
20-27 limitation:

20-28 (a) Granting such protective orders as it deems necessary; and

20-29 (b) Holding closed hearings to receive or examine such
20-30 information.

20-31 3. If the Commission closes a hearing to receive or examine
20-32 such information, it shall:

20-33 (a) Restrict access to the records and transcripts of such hearings
20-34 without the prior approval of the Commission or an order of a court
20-35 of competent jurisdiction authorizing access to the records or
20-36 transcripts; and

20-37 (b) Prohibit any participant at such a hearing from disclosing
20-38 such information without the prior authorization of the Commission.

20-39 4. A representative of the regulatory operations staff of the
20-40 Commission and the Bureau of Consumer Protection:

20-41 (a) May attend any closed hearing held pursuant to this section;
20-42 and

20-43 (b) Have access to any records or other information determined
20-44 to be confidential pursuant to this section.

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21-1 5. The Commission shall consider in an open meeting whether
21-2 the information reviewed or examined in a closed hearing may be
21-3 disclosed without revealing the confidential subject matter of the
21-4 information. To the extent the Commission determines the
21-5 information may be disclosed, the information must become a part
21-6 of the records available to the public. Information which the
21-7 Commission determines may not be disclosed must be kept under
21-8 seal.

21-9 *6. The provisions of this section do not apply to any*
21-10 *information that is declared by law to be confidential pursuant to*
21-11 *sections 39 to 45, inclusive, of this act.*

21-12 Sec. 37. NRS 703.330 is hereby amended to read as follows:

21-13 703.330 1. A complete record must be kept of all hearings
21-14 before the Commission. All testimony at such hearings must be
21-15 taken down by the stenographer appointed by the Commission, or,
21-16 under the direction of any competent person appointed by the
21-17 Commission, must be reported by sound recording equipment in the
21-18 manner authorized for reporting testimony in district courts.

21-19 The testimony reported by a stenographer must be transcribed, and
21-20 the transcript filed with the record in the matter. The Commission
21-21 may by regulation provide for the transcription or safekeeping of
21-22 sound recordings. Cost of recording and transcribing testimony at
21-23 any hearing, except those hearings ordered pursuant to NRS
21-24 703.310, must be paid by the applicant. If a complaint is made
21-25 pursuant to NRS 703.310 by a customer or by a political subdivision
21-26 of the State or municipal organization, the complainant is not liable
21-27 for any costs. Otherwise, if there are several applicants or parties to
21-28 any hearing, the Commission may apportion the costs among them
21-29 in its discretion.

21-30 2. If a petition is served upon the Commission as provided in
21-31 NRS 703.373 for the bringing of an action against the Commission,
21-32 before the action is reached for trial, the Commission shall file a
21-33 certified copy of all proceedings and testimony taken with the clerk
21-34 of the court in which the action is pending.

21-35 3. A copy of the proceedings and testimony must be furnished
21-36 to any party, on payment of a reasonable amount, to be fixed by the
21-37 Commission, and the amount must be the same for all parties.

21-38 4. The provisions of this section do not prohibit the
21-39 Commission from:

21-40 (a) Restricting access to the records and transcripts of a hearing
21-41 pursuant to paragraph (a) of subsection 3 of NRS 703.196.

21-42 (b) Protecting the confidentiality of information pursuant to
21-43 NRS 704B.310 or 704B.320~~[-]~~ or sections 39 to 45, inclusive, of
21-44 this act.

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22-1 Sec. 38. Chapter 704 of NRS is hereby amended by adding
22-2 thereto the provisions set forth as sections 39 to 45, inclusive, of this
22-3 act.
22-4 ~~Sec. 39. As used in sections 39 to 45, inclusive, of this act,~~
22-5 ~~unless the context otherwise requires, the words and terms defined~~
22-6 ~~in sections 40, 41 and 42 of this act have the meanings ascribed to~~
22-7 ~~them in those sections.~~
22-8 ~~Sec. 40. "Emergency response plan" means the emergency~~
22-9 ~~response plan that a public utility submits to the Nevada~~
22-10 ~~Commission on Homeland Security pursuant to section 24 of this~~
22-11 ~~act.~~
22-12 ~~Sec. 41. "Public utility" means a public utility that provides~~
22-13 ~~water service, electric service or natural gas service to 500 or more~~
22-14 ~~service locations.~~
22-15 ~~Sec. 42. "Vulnerability assessment" means the vulnerability~~
22-16 ~~assessment that a public utility submits to the Nevada Commission~~
22-17 ~~on Homeland Security pursuant to section 24 of this act.~~
22-18 ~~Sec. 43. 1. The Commission may, at any time, require a~~
22-19 ~~public utility to review its vulnerability assessment or emergency~~
22-20 ~~response plan or add to or modify its emergency response plan if~~
22-21 ~~the Commission determines that such an action is prudent and~~
22-22 ~~necessary for the public utility to:~~
22-23 ~~(a) Safeguard, secure or protect its operations, systems, assets,~~
22-24 ~~infrastructure or personnel from potential unlawful acts involving~~
22-25 ~~terrorism or sabotage; or~~
22-26 ~~(b) Prepare for the potential consequences that could result~~
22-27 ~~from such acts.~~
22-28 ~~2. If the Commission requires a public utility to review its~~
22-29 ~~vulnerability assessment or emergency response plan or add to or~~
22-30 ~~modify its emergency response plan pursuant to this section, the~~
22-31 ~~public utility shall, as soon as practicable, submit the results of its~~
22-32 ~~review and any additions or modifications to its emergency~~
22-33 ~~response plan to the Commission and to the Nevada Commission~~
22-34 ~~on Homeland Security.~~
22-35 ~~3. The Commission shall allow a public utility to recover all~~
22-36 ~~just and reasonable costs that the public utility incurs to conduct,~~
22-37 ~~prepare, maintain and review its vulnerability assessment and~~
22-38 ~~emergency response plan pursuant to this section and section 24~~
22-39 ~~of this act.~~
22-40 ~~Sec. 44. 1. The Commission shall cooperate with and seek~~
22-41 ~~recommendations from the Nevada Commission on Homeland~~
22-42 ~~Security on matters concerning the appropriate security~~
22-43 ~~improvements or measures that are prudent and necessary for a~~
22-44 ~~public utility to:~~

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~~23-1 (a) Safeguard, secure or protect its operations, systems, assets,
23-2 infrastructure or personnel from potential unlawful acts involving
23-3 terrorism or sabotage; or
23-4 (b) Prepare for the potential consequences that could result
23-5 from such acts.
23-6 2. Upon application and request, the Commission shall allow
23-7 a public utility to recover all just and reasonable costs of planning
23-8 and undertaking any security improvement or measure that the
23-9 Commission determines is prudent and necessary for the public
23-10 utility to:
23-11 (a) Safeguard, secure or protect its operations, systems, assets,
23-12 infrastructure or personnel from potential unlawful acts involving
23-13 terrorism or sabotage; or
23-14 (b) Prepare for the potential consequences that could result
23-15 from such acts.
23-16 See. 45. 1. The staff of the Commission and the
23-17 Consumer's Advocate and his staff are entitled to:
23-18 (a) Have access to the vulnerability assessment and emergency
23-19 response plan of a public utility and any other information
23-20 concerning a public utility that is necessary to carry out the
23-21 provisions of sections 39 to 45, inclusive, of this act; and
23-22 (b) Attend and participate in any proceedings that are
23-23 conducted by the Commission to carry out the provisions of
23-24 sections 39 to 45, inclusive, of this act.
23-25 2. Any information concerning a public utility that is
23-26 necessary to carry out the provisions of sections 39 to 45,
23-27 inclusive, of this act is confidential and must be securely
23-28 maintained by each person or entity that has possession, custody
23-29 or control of the information.
23-30 3. The Commission shall take such actions as are necessary
23-31 to protect the confidentiality of such information, including,
23-32 without limitation:
23-33 (a) Granting such protective orders as it deems necessary; and
23-34 (b) Holding closed hearings to receive or examine such
23-35 information.
23-36 4. A person shall not disclose such information, except:
23-37 (a) Upon the lawful order of a court of competent jurisdiction
23-38 or the Commission;
23-39 (b) As is reasonably necessary to carry out the provisions of
23-40 sections 39 to 45, inclusive, of this act or the operations of the
23-41 public utility; or
23-42 (c) As is reasonably necessary in the case of an emergency
23-43 involving public health or safety.~~

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~~24-1 5. If a person knowingly and unlawfully discloses such
24-2 information or assists, solicits or conspires with another person to
24-3 disclose such information, the person is guilty of:
24-4 (a) A gross misdemeanor; or
24-5 (b) A category C felony and shall be punished as provided in
24-6 NRS 193.130 if the person acted with the intent to:
24-7 (1) Commit, cause, aid, further or conceal, or attempt to
24-8 commit, cause, aid, further or conceal, any unlawful act involving
24-9 terrorism or sabotage; or
24-10 (2) Assist, solicit or conspire with another person to
24-11 commit, cause, aid, further or conceal any unlawful act involving
24-12 terrorism or sabotage.~~
24-13 Sec. 46. 1. There is hereby appropriated from the State
24-14 General Fund to the Health Division of the Department of Human
24-15 Resources for distribution to the governmental entities described in
24-16 section 30 of this act for the purchase of automated external
24-17 defibrillators:
24-18 For the Fiscal Year 2003-2004 \$170,000
24-19 For the Fiscal Year 2004-2005. \$15,000
24-20 2. A governmental entity described in section 30 of this act
24-21 may submit an application to the Health Division of the Department
24-22 of Human Resources for a grant of money from the appropriation
24-23 made by subsection 1 on a form provided by the Division. Such an
24-24 application must include a description of the:
24-25 (a) Amount of money expended by the governmental entity,
24-26 excluding gifts and grants, in the immediately preceding year for the
24-27 purchase of automated external defibrillators required to be placed
24-28 pursuant to section 30 of this act; and
24-29 (b) Financial needs of the governmental entity to inspect and
24-30 maintain the automated external defibrillators required to be placed
24-31 pursuant to section 30 of this act.
24-32 3. Upon receipt of such an application, the Health Division of
24-33 the Department of Human Resources shall review the application to
24-34 determine whether it is complete. The Health Division shall approve
24-35 an application if it is complete.
24-36 4. The Health Division of the Department of Human Resources
24-37 shall apportion the money available for each fiscal year among the
24-38 governmental entities whose applications have been approved.
24-39 5. A governmental entity that receives a grant of money
24-40 pursuant to subsection 4 shall use the money to purchase automated
24-41 external defibrillators to be placed in accordance with section 30 of
24-42 this act or as reimbursement for such defibrillators that were
24-43 purchased after July 1, 2003.
24-44 6. A governmental entity that receives a grant of money
24-45 pursuant to subsection 4 shall not use the money to supplant or

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25-1 cause to be reduced any other source of funding available to the
25-2 governmental entity for the purchase of automated external
25-3 defibrillators.

25-4 7. As used in this section, "automated external defibrillator"
25-5 means a medical device that:

25-6 (a) Has been approved by the United States Food and Drug
25-7 Administration;

25-8 (b) Is capable of recognizing the presence or absence, in a
25-9 patient, of ventricular fibrillation and rapid ventricular tachycardia;

25-10 (c) Is capable of determining, without intervention by the
25-11 operator of the device, whether defibrillation should be performed
25-12 on the patient;

25-13 (d) Upon determining that defibrillation should be performed,
25-14 automatically charges and requests delivery of an electrical impulse
25-15 to the patient's heart; and

25-16 (e) Upon action by the operator of the device, delivers to the
25-17 patient's heart an appropriate electrical impulse.

25-18 8. Any remaining balance of the appropriation made by
25-19 subsection 1 for:

25-20 (a) The Fiscal Year 2003-2004 must be transferred and added to
25-21 the money appropriated for the Fiscal Year 2004-2005.

25-22 (b) The Fiscal Year 2004-2005, including any money added
25-23 thereto pursuant to paragraph (a), must not be committed for
25-24 expenditure after June 30, 2005, and reverts to the State General
25-25 Fund as soon as all payments of money committed have been made.

25-26 **Sec. 47.** As soon as practicable after July 1, 2003:

25-27 1. The Senate Majority Leader shall appoint to the Nevada
25-28 Commission on Homeland Security:

25-29 (a) One legislative member pursuant to paragraph (a) of
25-30 subsection 2 of section 12 of this act to a term that expires on
25-31 June 30, 2005.

25-32 (b) One member pursuant to paragraph (b) of subsection 2 of
25-33 section 12 of this act to a term that expires on June 30, 2006.

25-34 2. The Speaker of the Assembly shall appoint to the Nevada
25-35 Commission on Homeland Security:

25-36 (a) One legislative member pursuant to paragraph (a) of
25-37 subsection 3 of section 12 of this act to a term that expires on
25-38 June 30, 2005.

25-39 (b) One member pursuant to paragraph (b) of subsection 3 of
25-40 section 12 of this act to a term that expires on June 30, 2006.

25-41 3. The Governor shall appoint to the Nevada Commission on
25-42 Homeland Security pursuant to subsection 4 of section 12 of this
25-43 act:

25-44 (a) Four members to terms that expire on September 30, 2005.

25-45 (b) Three members to terms that expire on September 30, 2006.

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26-1 Sec. 48. This act becomes effective on July 1, 2003.

26-2 H

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Assembly Bill 441
Assembly Judiciary Committee
Honorable Assemblyman Bernie Anderson-Chair

Comments from Judy Stokey, Nevada Power Company, Sierra Pacific Power Company
April 1, 2003

Topic: Enacts provisions relating to ensuring security of State of Nevada and its residents with respect to acts of terrorism and related emergencies

Sierra Pacific Power and Nevada Power Companies ^{Support} ~~oppose~~ this bill ~~as written~~. However, we have concerns. These concerns are ~~This opposition is based on requirements to provide copies of vulnerabilities and site assessments. These documents must be held in complete confidentiality. The companies already fully coordinate with, and cooperate with both the Nevada Division of Emergency Management and the State Department of Homeland Security, as well as liaison with state, federal, and local law enforcement personnel.~~

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The companies already receive assistance in performing threat, vulnerability, and site assessments from these law enforcement agencies. While AB441 goes to great length to address confidentiality issues, confidentiality of these site assessments and vulnerabilities remain a grave concern to the company.

The Federal Energy Commission (FERC), the North American Energy Reliability Council (NERC), the Edison Electric Institute (EEI), the American Gas Institute, and the Department of Transportation (DOT) have all issued security standards for both physical and cyber security which must be met for each succeeding Threat Level Advisory issued by the federal Department of Homeland Security under Secretary Ridge. Our companies are in full compliance with these security standards.

Should be
mandated

The direction and theme of AB441 are consistent with actions, which have been underway at our two companies for years. For many years we have had a very robust Emergency Response Plan, which is frequently tested at the two companies. We already have teams, which will respond, a communication plan, and identified an area for an emergency operations center at each headquarters building. Additionally we have a ~~volunteer medical team~~ at each headquarters building, which has already been trained in, and has AEDs.

The makeup of the proposed 12 member "Nevada Commission on Homeland Security" is also a concern. The proposal is to make the Commission responsible for oversight over the states critical infrastructure yet the members would have no utility experience, no apparent facilities expertise, and little to no physical security experience.

Other aspects of the bill are very good. New ID requirements to obtain a drivers license, and the sections on requiring AEDs in public places are excellent. We fully support Sec. 26 regarding revision of NRS 207.345. The increased penalty for impersonating a utility

employee will benefit our customers who are frequently targeted by criminals posing as utility employees to gain home access.

We also agree with the language to enable utilities to "recover all just and reasonable costs" regarding security assessments and improvements.

In closing, we are greatly concerned with the potential damage associated with disclosure of the highly confidential site assessments. Under new federal legislation there are new exceptions from the long held Freedom of Information Act. Information about utilities' critical sites, lines, and assets fall under these exceptions.

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