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Proposed Amendment to AB 441
Michael Hillerby, Deputy Chief of Staff
Office of the Governor
May 27, 2003

Section 1. ~~[Delete Existing Language]~~ Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections _____ of this act.

Sections 2-3 Deleted

Section 5- Deleted

Sec. 6. "Commission" means the Nevada Advisory Commission on Homeland Security created by section ___ of this act.

Section 10.3- Deleted

Section 12-13- Deleted Replace with Advisory Commission on Homeland Security language from SB 175:

1. *The Governor may appoint an Advisory Commission on Nevada Homeland Security.*
2. *If the Governor appoints such a committee:*
 - (a) *The Governor shall appoint to the Advisory Commission a number of members that he determines to be appropriate, except that the Advisory Commission must include at least one member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.*
 - (b) *Notice of all meetings of the Advisory Commission must be given in the manner required by chapter 241 of NRS and, except as otherwise provided in this paragraph, all meetings of the Advisory Commission must be open to the public. The Advisory Commission may hold a closed meeting or may close a portion of a meeting to:*
 - (1) *Receive security briefings; or*
 - (2) *Discuss matters related to:*
 - (I) *Responding to emergencies;*
 - (II) *Mitigating vulnerability to acts of terrorism; or*
 - (III) *Deficiencies in security as such deficiencies may pertain to public services, infrastructure or facilities, if the Advisory Commission determines that considering such matters in an open meeting would create a substantial likelihood of threatening the safety of the general public. The provisions of this paragraph do not allow the Advisory Commission to hold a closed meeting or to close a portion of a meeting for the purpose of making decisions of a financial nature.*

Section 15, Sub 3- Deleted

~~Section 21-26 Deleted~~

EXHIBIT Q Senate Committee on Finance

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Section 30-31- Change the effective date of the purchasing prohibition from July, 2004 to July 2005.

Section 32-33- Deleted

Section 38- Deleted

Section 39-40- Deleted

Add a new section from SB 175 dealing with security of information technology:

Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Department to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the Director, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Director shall maintain or cause to be maintained a list of each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Director shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Director determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in section 7 of AB 250 of the 2003 Nevada Legislature.