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B. J. ...

**PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 441
SECOND REPRINT**

PREPARED FOR SENATE COMMITTEE ON FINANCE

JUNE 1, 2003

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

Amend sec. 12, pages 4 and 5, by deleting lines 18 through 45 on page 4 and lines 1 through 6 on page 5, and inserting:

"Sec. 12. 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission a number of members that he determines to be appropriate, except that the Commission must include at least:

(a) One member who is a representative of a Nevada law enforcement agency; and

(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.

3. The Governor or his designee shall:

(a) Serve as Chairman of the Commission; and

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

Amend the bill as a whole by deleting sec. 13 and adding:

"Sec. 13. (Deleted by amendment)."

Amend sec. 15, pages 5 and 6, by deleting lines 38 through 44 on page 5 and lines 1 and 2 on page 6.

Amend sec. 15, page 6, line 3, by deleting "4." and inserting "3."

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

“Sec. 17.5. On or before February 15 of each year, the Governor shall:

1. Prepare a report setting forth:

(a) The activities of the Commission; and

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

2. Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

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

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

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

“Sec. 27.5. 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. On or before February 15 of each year, the Director shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to 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.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in section 5 of this act."

Amend sec. 30, page 15, lines 36 and 41, by deleting "2004," and inserting "2005,".

Amend sec. 31, page 16, lines 12 and 17, by deleting "2004," and inserting "2005,".

Amend the bill as a whole by deleting sec. 32 and adding:

"Sec. 32. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 38 and adding:

"Sec. 38. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 39 and adding:

"Sec. 39. (Deleted by amendment.)".

Amend sec. 40, page 25, line 20, after "inclusive," by inserting "and 27.5".

Amend the title of the bill to read as follows:

“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; requiring the Director of the Department of Information Technology to determine the confidentiality of certain records relating to the security of the State; 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’ licenses and identification cards; making an appropriation; providing penalties; and providing other matters properly relating thereto.”.