

SENATE BILL NO. 175—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF
INFORMATION TECHNOLOGY)

FEBRUARY 20, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes with respect to security of
State of Nevada. (BDR 18-536)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; authorizing the Governor to
create an Advisory Committee on Nevada Homeland
Security; requiring the Director of the Department of
Information Technology to determine the confidentiality
of certain records relating to the security of the State;
requiring the Governor to prepare an annual report
relating to the Advisory Committee and the records
determined by the Director to be confidential; and
providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 223 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *The Governor may appoint an Advisory***
4 ***Committee on Nevada Homeland Security.***
5 **2. *If the Governor appoints such a committee:***
6 ***(a) The Governor shall appoint to the Advisory Committee a***
7 ***number of members that he determines to be appropriate, except***
8 ***that the Advisory Committee must include at least one member***
9 ***who is not employed in the field of law enforcement and is not***
10 ***otherwise affiliated with the field of law enforcement.***



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1 ***(b) Notice of all meetings of the Advisory Committee must be***
2 ***given in the manner required by chapter 241 of NRS and, except***
3 ***as otherwise provided in this paragraph, all meetings of the***
4 ***Advisory Committee must be open to the public. The Advisory***
5 ***Committee may hold a closed meeting or may close a portion of a***
6 ***meeting to:***

- 7 ***(1) Receive security briefings; or***
- 8 ***(2) Discuss matters related to:***
 - 9 ***(I) Responding to emergencies;***
 - 10 ***(II) Mitigating vulnerability to acts of terrorism; or***
 - 11 ***(III) Deficiencies in security as such deficiencies may***
12 ***pertain to public services, infrastructure or facilities,***
13 ***if the Advisory Committee determines that considering such***
14 ***matters in an open meeting would create a substantial likelihood***
15 ***of threatening the safety of the general public. The provisions of***
16 ***this paragraph do not allow the Advisory Committee to hold a***
17 ***closed meeting or to close a portion of a meeting for the purpose***
18 ***of making decisions of a financial nature.***

19 ***3. As used in this section, "act of terrorism" means any act***
20 ***that involves the use or the threatened or attempted use of***
21 ***sabotage, fear or violence and is intended to:***

- 22 ***(a) Intimidate or coerce a civilian population;***
- 23 ***(b) Disrupt, affect or influence the conduct or policy of a***
24 ***governmental entity by intimidation or coercion; or***
- 25 ***(c) Retaliate against a governmental entity or cause***
26 ***widespread panic or civil unrest through the substantial***
27 ***destruction, contamination, impairment or disruption of:***
 - 28 ***(1) Public infrastructure, communications, transportation,***
29 ***utilities or services; or***
 - 30 ***(2) Natural resources or the environment.***

31 ***Sec. 3. 1. On or before February 15 of each year, the***
32 ***Governor shall:***

- 33 ***(a) Prepare a report setting forth:***
 - 34 ***(1) The activities of the Advisory Committee on Nevada***
35 ***Homeland Security created pursuant to section 2 of this act, if the***
36 ***Governor has created such an Advisory Committee;***
 - 37 ***(2) A detailed description of any matters with respect to***
38 ***which the Advisory Committee held a closed meeting or closed a***
39 ***portion of a meeting, if any, accompanied by an explanation of the***
40 ***reasons why the Advisory Committee determined that the meeting***
41 ***or portion thereof needed to be closed; and***
 - 42 ***(3) A detailed description of each record or portion of a***
43 ***record determined to be confidential pursuant to section 4 of this***
44 ***act, if any, accompanied by an explanation of why each such***



1 *record or portion of a record was determined to be confidential;*
2 *and*

3 *(b) Submit a copy of the report to the Director of the*
4 *Legislative Counsel Bureau for transmittal to:*

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

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

9 *2. A report prepared or submitted pursuant to subsection 1*
10 *and the contents of any such report are confidential and not*
11 *subject to inspection by the general public.*

12 **Sec. 4.** Chapter 242 of NRS is hereby amended by adding
13 thereto a new section to read as follows:

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

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

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

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

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

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

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

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

41 *2. The Director shall maintain or cause to be maintained a*
42 *list of each record or portion of a record that the Director has*
43 *determined to be confidential pursuant to subsection 1. The list*
44 *described in this subsection must be prepared and maintained so*



1 *as to recognize the existence of each such record or portion of a*
2 *record without revealing the contents thereof.*

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

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

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

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

17 *4. As used in this section, "act of terrorism" has the meaning*
18 *ascribed to it in section 2 of this act.*

19 **Sec. 5.** This act becomes effective upon passage and approval.

