

SENATE BILL NO. 14—COMMITTEE ON GOVERNMENT AFFAIRS

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

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain emergency response plans and assessments. (BDR 36-280)

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 emergency management; revising requirements relating to the distribution by the Division of Emergency Management of the Department of Public Safety of a written guide to assist a person or governmental entity required to file certain emergency response plans; requiring certain state agencies to coordinate with the Division of Emergency Management to annually compile a list of each utility and provider of new electric resources required to submit a vulnerability assessment and emergency response plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law creates the Division of Emergency Management within the
- 2 Department of Public Safety. (NRS 414.040) Among its various duties under
- 3 existing law, the Division is required to: (1) develop a written guide to assist a
- 4 person or governmental entity that is required to file an emergency response plan;
- 5 and (2) provide the guide to certain persons and governmental entities that are
- 6 required to file an emergency response plan. (NRS 414.040) **Section 1** of this bill:
- 7 (1) requires the Division to post the guide on a publicly accessible Internet website
- 8 maintained by the Division; and (2) makes the requirement to provide a copy of the
- 9 written guide to certain persons or governmental entities only upon the request of
- 10 such a person or entity.
- 11 Existing law requires certain persons or entities to: (1) develop an emergency
- 12 response plan for a school, a city or county, a resort hotel and a utility; and (2)
- 13 submit such a plan to the Division of Emergency Management. (NRS 239C.250,



14 239C.270, 388.243, 394.1687, 463.790) Existing law additionally requires each
15 utility and each provider of new electric resources to conduct a vulnerability
16 assessment and submit the assessment to the Division. (NRS 239C.270) **Section 2**
17 of this bill requires the Public Utilities Commission of Nevada, the Division of
18 Environmental Protection of the State Department of Conservation and Natural
19 Resources and the Office of Energy in the Office of the Governor to coordinate
20 with the Division of Emergency Management to annually compile a list of each
21 utility and provider of new electric resources required to submit a vulnerability
22 assessment and an emergency response plan.

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

1 **Section 1.** NRS 414.040 is hereby amended to read as follows:
2 414.040 1. A Division of Emergency Management is hereby
3 created within the Department of Public Safety. The Chief of the
4 Division is appointed by and holds office at the pleasure of
5 the Director of the Department of Public Safety. The Division is the
6 State Agency for Emergency Management and the State Agency for
7 Civil Defense for the purposes of the Compact ratified by the
8 Legislature pursuant to NRS 415.010. The Chief is the State's
9 Director of Emergency Management and the State's Director of
10 Civil Defense for the purposes of that Compact.

11 2. The Chief may employ technical, clerical, stenographic and
12 other personnel as may be required, and may make such
13 expenditures therefor and for other expenses of his or her office
14 within the appropriation therefor, or from other money made
15 available to him or her for purposes of emergency management, as
16 may be necessary to carry out the purposes of this chapter.

17 3. The Chief, subject to the direction and control of the
18 Director, shall carry out the program for emergency management in
19 this State. The Chief shall coordinate the activities of all
20 organizations for emergency management within the State, maintain
21 liaison with and cooperate with agencies and organizations of other
22 states and of the Federal Government for emergency management
23 and carry out such additional duties as may be prescribed by the
24 Director.

25 4. The Chief shall assist in the development of comprehensive,
26 coordinated plans for emergency management by adopting an
27 integrated process, using the partnership of governmental entities,
28 business and industry, volunteer organizations and other interested
29 persons, for the mitigation of, preparation for, response to and
30 recovery from emergencies or disasters. In adopting this process, the
31 Chief shall:

32 (a) Except as otherwise provided in NRS 232.3532, develop
33 written plans for the mitigation of, preparation for, response to and



1 recovery from emergencies and disasters. The plans developed by
2 the Chief pursuant to this paragraph must include the information
3 prescribed in NRS 414.041 to 414.044, inclusive.

4 (b) Conduct activities designed to:

5 (1) Eliminate or reduce the probability that an emergency
6 will occur or to reduce the effects of unavoidable disasters;

7 (2) Prepare state and local governmental agencies, private
8 organizations and other persons to be capable of responding
9 appropriately if an emergency or disaster occurs by fostering the
10 adoption of plans for emergency operations, conducting exercises to
11 test those plans, training necessary personnel and acquiring
12 necessary resources;

13 (3) Test periodically plans for emergency operations to
14 ensure that the activities of state and local governmental agencies,
15 private organizations and other persons are coordinated;

16 (4) Provide assistance to victims, prevent further injury or
17 damage to persons or property and increase the effectiveness of
18 recovery operations; and

19 (5) Restore the operation of vital community life-support
20 systems and return persons and property affected by an emergency
21 or disaster to a condition that is comparable to or better than what
22 existed before the emergency or disaster occurred.

23 5. In addition to any other requirement concerning the program
24 of emergency management in this State, the Chief shall:

25 (a) Maintain an inventory of any state or local services,
26 equipment, supplies, personnel and other resources related to
27 participation in the Nevada Intrastate Mutual Aid System
28 established pursuant to NRS 414A.100;

29 (b) Coordinate the provision of resources and equipment within
30 this State in response to requests for mutual aid pursuant to NRS
31 414.075 or chapter 414A of NRS;

32 (c) Coordinate with state agencies, local governments, Indian
33 tribes or nations and special districts to use the personnel and
34 equipment of those state agencies, local governments, Indian tribes
35 or nations and special districts as agents of the State during a
36 response to a request for mutual aid pursuant to NRS 414.075 or
37 414A.130; and

38 (d) Provide notice:

39 (1) On or before February 15 of each year to the governing
40 body of each political subdivision of whether the political
41 subdivision has complied with the requirements of NRS 239C.250;

42 (2) On or before February 15 of each year to the Chair of the
43 Public Utilities Commission of Nevada of whether each utility that
44 is not a governmental utility and each provider of new electric
45 resources has complied with the requirements of NRS 239C.270;



1 (3) On or before February 15 of each year to the Governor of
2 whether each governmental utility described in subsection 1 of NRS
3 239C.050 and each provider of new electric resources has complied
4 with the requirements of NRS 239C.270;

5 (4) On or before February 15 of each year to the governing
6 body of each governmental utility described in subsection 2 of NRS
7 239C.050 and each provider of new electric resources of whether
8 each such governmental utility has complied with the requirements
9 of NRS 239C.270;

10 (5) On or before August 15 of each year to the
11 Superintendent of Public Instruction of whether each board of
12 trustees of a school district, governing body of a charter school or
13 governing body of a private school has complied with the
14 requirements of NRS 388.243 or 394.1687, as applicable; and

15 (6) On or before November 15 of each year to the Chair of
16 the Nevada Gaming Control Board of whether each resort hotel has
17 complied with the requirements of NRS 463.790.

18 6. The Division shall:

19 (a) Perform the duties required pursuant to chapter 415A of
20 NRS;

21 (b) Perform the duties required pursuant to NRS 353.2753 at the
22 request of a state agency or local government;

23 (c) Adopt regulations setting forth the manner in which federal
24 funds received by the Division to finance projects related to
25 emergency management and homeland security are allocated, except
26 with respect to any funds committed by specific statute to the
27 regulatory authority of another person or agency, including, without
28 limitation, funds accepted by the State Emergency Response
29 Commission pursuant to NRS 459.740; and

30 (d) Submit a written report to the Nevada Commission on
31 Homeland Security within 60 days of making a grant of money to a
32 state agency, political subdivision or tribal government to pay for a
33 project or program relating to the prevention of, detection of,
34 mitigation of, preparedness for, response to and recovery from acts
35 of terrorism that includes, without limitation:

36 (1) The total amount of money that the state agency, political
37 subdivision or tribal government has been approved to receive for
38 the project or program;

39 (2) A description of the project or program; and

40 (3) An explanation of how the money may be used by the
41 state agency, political subdivision or tribal government.

42 7. The Division shall develop a written guide for the
43 preparation and maintenance of an emergency response plan to
44 assist a person or governmental entity that is required to file a plan
45 pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or



1 463.790. The Division shall review the guide on an annual basis and
2 revise the guide if necessary. On or before January 15 of each year,
3 the Division shall ~~[provide]~~ *post* the guide ~~[to:~~

4 ~~—(a) Each political subdivision required to adopt a response plan~~
5 ~~pursuant to NRS 239C.250;~~

6 ~~—(b) Each utility and each provider of new electric resources~~
7 ~~required to prepare and maintain an emergency response plan~~
8 ~~pursuant to NRS 239C.270;~~

9 ~~—(c) Each development committee required to develop a plan to~~
10 ~~be used in responding to a crisis, emergency or suicide by:~~

11 ~~—(1) A public school or charter school pursuant to NRS~~
12 ~~388.243; or~~

13 ~~—(2) A private school pursuant to NRS 394.1687; and~~

14 ~~—(d) Each resort hotel required to adopt an emergency response~~
15 ~~plan pursuant to NRS 463.790.] on a publicly accessible Internet~~
16 ~~website maintained by the Division.~~

17 *8. The Division shall provide a copy of the written guide*
18 *developed pursuant to subsection 7 to a person or governmental*
19 *entity that is required to file a plan pursuant to NRS 239C.250,*
20 *239C.270, 388.243, 394.1687 or 463.790 upon the request of such*
21 *a person or entity.*

22 **Sec. 2.** NRS 239C.270 is hereby amended to read as follows:

23 239C.270 1. Each utility and each provider of new electric
24 resources shall:

25 (a) Conduct a vulnerability assessment in accordance with the
26 requirements of the federal and regional agencies that regulate the
27 utility or provider; and

28 (b) Prepare and maintain an emergency response plan in
29 accordance with the requirements of the federal and regional
30 agencies that regulate the utility or provider.

31 2. Each utility shall:

32 (a) As soon as practicable but not later than December 31, 2003,
33 submit its vulnerability assessment and emergency response plan to
34 the Division; and

35 (b) At least once each year thereafter, review its vulnerability
36 assessment and emergency response plan and, as soon as practicable
37 after its review is completed but not later than December 31 of each
38 year, submit the results of its review and any additions or
39 modifications to its emergency response plan to the Division.

40 3. Each provider of new electric resources shall:

41 (a) As soon as practicable but not later than December 31, 2019,
42 submit its vulnerability assessment and emergency response plan to
43 the Division; and

44 (b) At least once each year thereafter, review its vulnerability
45 assessment and emergency response plan and, as soon as practicable



1 after its review is completed but not later than December 31 of each
2 year, submit the results of its review and any additions or
3 modifications to its emergency response plan to the Division.

4 4. *On or before June 30 of each year, the Public Utilities
5 Commission of Nevada, the Division of Environmental Protection
6 of the State Department of Conservation and Natural Resources
7 and the Office of Energy shall coordinate with the Division to
8 compile a list of each utility and provider of new electric resources
9 required to submit a vulnerability assessment and an emergency
10 response plan pursuant to subsection 2 or 3.*

11 5. Except as otherwise provided in NRS 239.0115, each
12 vulnerability assessment and emergency response plan of a utility or
13 provider of new electric resources and any other information
14 concerning a utility or provider that is necessary to carry out the
15 provisions of this section is confidential and must be securely
16 maintained by each person or entity that has possession, custody or
17 control of the information.

18 ~~5.~~ 6. Except as otherwise provided in NRS 239C.210, a
19 person shall not disclose such information, except:

20 (a) Upon the lawful order of a court of competent jurisdiction;

21 (b) As is reasonably necessary to carry out the provisions of this
22 section or the operations of the utility or provider of new electric
23 resources, as determined by the Division;

24 (c) As is reasonably necessary in the case of an emergency
25 involving public health or safety, as determined by the Division; or

26 (d) Pursuant to the provisions of NRS 239.0115.

27 ~~6.~~ 7. If a person knowingly and unlawfully discloses such
28 information or assists, solicits or conspires with another person to
29 disclose such information, the person is guilty of:

30 (a) A gross misdemeanor; or

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

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

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

39 ~~7.~~ 8. As used in this section, "provider of new electric
40 resources" has the meaning ascribed to it in NRS 704B.130.

41 **Sec. 3.** This act becomes effective upon passage and approval.

