

Amendment No. 211

Assembly Amendment to Assembly Bill No. 90	(BDR 36-391)
Proposed by: Assembly Committee on Government Affairs	
Amendment Box: Replaces Amendment No. 45.	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

RAE/JRS



Date: 3/31/2015

A.B. No. 90—Establishes the Nevada Intrastate Mutual Aid System. (BDR 36-391)



ASSEMBLY BILL NO. 90—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF
EMERGENCY MANAGEMENT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Establishes the Nevada Intrastate Mutual Aid System.
(BDR 36-391)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; establishing the Nevada Intrastate Mutual Aid System within the Division of Emergency Management of the Department of Public Safety; creating the Intrastate Mutual Aid Committee; setting forth the duties of the Committee; setting forth the circumstances under which a participant in the System may request intrastate mutual aid before, during or after an emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes political subdivisions of this State to establish local organizations for emergency management in accordance with the state emergency management plan. The director of a local organization for emergency management may enter into reciprocal agreements with other such organizations to provide aid during an emergency or disaster. (NRS 414.090, 414.100) **Section 15** of this bill creates a statewide mutual aid system, designated the Nevada Intrastate Mutual Aid System, within the Division of Emergency Management of the Department of Public Safety to coordinate requests for mutual aid among the various public agencies of this State and certain Indian tribes and nations in this State. **Section 16** of this bill creates an advisory committee, designated the Intrastate Mutual Aid Committee, which consists of emergency management and public safety professionals from certain public agencies and Indian tribes and nations in this State to: (1) advise and assist the Chief of the Division with the implementation and evaluation of the System; and (2) develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid.

Section 17 of this bill requires each public agency in this State to participate in the System unless it opts out, and any federally recognized Indian tribe or nation may opt to join the System.

Sections 18 and 19 of this bill set forth the requirements for making a request for intrastate mutual aid through the System and the responsibilities of the requesting and assisting participants. **Section 20** of this bill sets forth the manner in which an assisting participant may be reimbursed by the requesting participant for costs incurred in providing

mutual aid. **Section 21** of this bill provides for the portability of licenses, certifications and permits held by emergency responders providing services for a requesting agency during an emergency or disaster.

Section 22 of this bill provides that an emergency responder of an assisting participant is not an employee of a requesting participant and is not entitled to any benefits held by the employees of the requesting participant. **Section 23** of this bill provides immunity from liability for assisting participants, except for acts of gross negligence, recklessness or willful misconduct. **Section 25** of this bill authorizes the Governor to request mutual aid from participants for use in providing interstate mutual aid pursuant to the Emergency Management Assistance Compact ratified by the Legislature pursuant to NRS 415.010.

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

Section 1. Title 36 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Assisting participant” means a participant that has responded to a requesting participant by providing resources pursuant to section 19 of this act.*

Sec. 4. *“Disaster” includes, without limitation, a disaster defined in NRS 414.0335.*

Sec. 5. *“Division” means the Division of Emergency Management of the Department of Public Safety.*

Sec. 6. *“Emergency” includes, without limitation, an emergency defined in NRS 414.0345.*

Sec. 7. *“Emergency responder” means an employee or volunteer of a participant who has received ~~the appropriate~~ such public safety training and licensing or certification ~~+~~ as deemed appropriate by the participant for which he or she is employed or volunteers.*

Sec. 8. *“Mutual aid” includes any equipment, vehicle or other support or service provided by a participant in response to a request made pursuant to section 18 of this act.*

Sec. 9. *“Participant” means a public agency that has not withdrawn from participation in, or a federally recognized Indian tribe or nation that has elected to join, the System pursuant to section 17 of this act.*

Sec. 10. *“Public agency” means any political subdivision of this State, including, without limitation, counties, incorporated cities and towns, including Carson City, unincorporated towns, school districts, special districts and other districts.*

Sec. 11. *“Requesting participant” means a participant that requests mutual aid from another participant pursuant to section 18 of this act.*

Sec. 12. *“Special district” has the meaning ascribed to it in NRS 360.650.*

Sec. 13. *“System” means the Nevada Intrastate Mutual Aid System established by section 15 of this act.*

Sec. 14. *“Volunteer” means an unpaid emergency responder who provides services on behalf of a participant.*

Sec. 15. 1. *The Nevada Intrastate Mutual Aid System is hereby established within the Division.*

2. The Chief of the Division, subject to the direction and control of the Director of the Department of Public Safety, shall administer the System pursuant to the provisions of this chapter and shall:

(a) Coordinate the provision of mutual aid during the response to and recovery from an emergency or disaster;

(b) Maintain records of the requests for and provision of mutual aid throughout this State;

(c) Identify, maintain an inventory of and coordinate participant personnel and equipment available for intrastate mutual aid response;

(d) Provide information and assistance, upon request, to participants concerning reimbursement for services and other guidelines and procedures developed by the Intrastate Mutual Aid Committee pursuant to subsection 4 of section 16 of this act; and

(e) Adopt regulations relating to the administration of the System.

Sec. 16. 1. The Intrastate Mutual Aid Committee is hereby created. The Committee shall advise the Chief of the Division on issues related to emergency management and intrastate mutual aid in this State.

2. The Committee consists of the following members:

(a) The Chief of the Division, or his or her designee, who serves as the Chair of the Committee and is a nonvoting member; and

(b) Not more than 19 voting members, each of whom:

(1) Is appointed by the Chief of the Division;

(2) Is selected from participating public agencies or tribal governments;

(3) Must have responsibility for public safety programs or activities within his or her public agency or tribe or nation; and

(4) After the initial terms, serves a term of 2 years, and may be reappointed.

3. The Committee shall select a Vice Chair from among the voting members of the Committee. The Vice Chair serves as Vice Chair until the end of his or her current term as a voting member, and may be reselected.

4. The Committee shall develop comprehensive guidelines and procedures regarding, without limitation:

(a) Requesting intrastate mutual aid;

(b) Responding to a request for intrastate mutual aid;

(c) Recordkeeping during an emergency or disaster for which intrastate mutual aid has been requested; and

(d) Reimbursement of costs to assisting participants.

5. The Committee shall meet at least annually to evaluate the effectiveness and efficiency of the System and provide recommendations, if any, to the Chief of the Division to improve the System.

Sec. 17. 1. Except as otherwise provided in subsection 2, each public agency shall participate in the System.

2. Any participant may elect to withdraw from participation in the System by:

(a) Adopting a resolution declaring that the participant elects not to participate in the System; and

(b) Providing a copy of the resolution to the Division and the Governor.

3. Any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, may choose to become a participant in the System by:

(a) Adopting a resolution declaring that the tribe or nation elects to participate in the System and agreeing to be bound by the provisions of this chapter; and

(b) Providing a copy of the resolution to the Division and the Governor.

4. Each participant shall:

(a) Except as otherwise provided in subsection 4 of section 19 of this act, ensure that the participant is able to provide intrastate mutual aid in response to a request pursuant to section 18 of this act;

(b) Provide training to each emergency responder ~~and each member of the staff of the participant~~ on procedures related to ~~their~~ his or her respective roles role within the System;

(c) Actively monitor events in this State to determine the possibility of requesting or providing intrastate mutual aid;

(d) Maintain a current list of personnel and any equipment of the participant available for intrastate mutual aid and submit the list at least annually to the Division;

(e) Conduct joint planning, information sharing and capability and vulnerability analyses with other participants and conduct joint training exercises, if practicable; and

(f) Develop, carry out and periodically revise plans of operation, which must include, without limitation, the methods by which any resources, facilities and services of the participant must be available and furnished to other participants.

Sec. 18. 1. Any participant may request intrastate mutual aid before, during or after a declared or undeclared emergency or disaster for:

(a) Response, mitigation or recovery activities related to the emergency or disaster; and

(b) Participation in drills or exercises in preparation for an emergency or disaster.

2. A participant may make a request for intrastate mutual aid:

(a) Through the Division; or

(b) If an urgent response is needed, directly to a participant, except that any request for a responding state agency must be made as provided in paragraph (a).

3. Each request for intrastate mutual aid must be documented and forwarded to the Division not more than 24 hours after the request is made.

4. A requesting participant shall:

(a) Adequately describe the resources needed by the requesting participant;

(b) Provide logistical and technical support, as needed, to any emergency responders provided by an assisting participant; and

(c) Reimburse the assisting participant for costs incurred, if applicable, by the assisting participant in a timely manner.

Sec. 19. 1. An assisting participant shall:

(a) Except as otherwise provided in subsection 4, promptly respond to a request for intrastate mutual aid to the extent resources are available;

(b) Ensure that all emergency responders provided by the assisting participant in response to the request have workers' compensation coverage ~~that~~ in accordance with chapters 616A to 617, inclusive, of NRS;

(c) ~~Ensure that~~ Maintain a policy of liability and property insurance or a program of self-insurance on all vehicles and equipment used in response to the request; ~~are adequately insured;~~

(d) Before responding to the request, provide a briefing to emergency responders, which must include information on recordkeeping in accordance with any requirements of the System; and

(e) Submit timely, accurate and complete records and requests for reimbursement in accordance with those requirements, if applicable.

2. An emergency responder provided by an assisting participant remains under the command and, except as otherwise provided in this subsection, control

of, and must comply with any requirements of, the participant with which or for which he or she is employed or volunteers, but is under the operational control of the requesting participant.

3. The assets and equipment of an assisting participant remain under the command and, except as otherwise provided in this subsection, control of the assisting participant, but are under the operational control of the requesting participant.

4. Any participant may deny a request for intrastate mutual aid if providing the requested assistance would prevent the participant from reasonably carrying out its duties in its jurisdiction.

Sec. 20. 1. ~~Within 10~~ Except as otherwise provided in subsection 3, within 10 business days after the completion of all activities taken in response to a request for intrastate mutual aid, each assisting participant shall provide a written notice to the requesting participant if the assisting participant intends to seek reimbursement from the requesting participant.

2. ~~Within 30~~ Except as otherwise provided in subsection 3, within 60 calendar days after the completion of the activities specified in subsection 1, the assisting participant shall provide to the requesting participant a final request for reimbursement which must include:

(a) A summary of the services provided;

(b) An invoice setting forth all services provided and the total amount of the reimbursement requested;

(c) Any supporting documentation;

(d) Any additional forms required by the System; and

(e) The name and contact information of a person to contact if more information is needed.

3. If an assisting participant requires additional time to comply with the provisions of subsection 1 or 2, the assisting participant must request an extension in writing from the requesting participant. A requesting participant may, for good cause shown, grant an extension for an additional reasonable period.

4. A requesting participant shall reimburse an assisting participant for all reasonable costs incurred by the assisting participant in responding to the request for intrastate mutual aid, including, without limitation, any costs related to the use of personnel and equipment and travel. All costs must be documented in order to be eligible for reimbursement pursuant to this section, unless otherwise agreed upon by the requesting participant and assisting participant. Any costs associated with resources which were used without request are not eligible for reimbursement.

~~4.4~~ 5. Reimbursement may be facilitated through the Division, upon request.

~~5.4~~ 6. If a dispute between participants occurs regarding reimbursement, the participant disputing the reimbursement shall provide a written notice to the other participant setting forth the issues in dispute. If the dispute is not resolved within 90 days after the notice is provided, either participant may submit the matter to binding arbitration, which must be conducted pursuant to the rules for commercial arbitration established by the American Arbitration Association.

~~6.4~~ 7. The Division is not liable for any claim relating to the reimbursement of costs for providing intrastate mutual aid.

Sec. 21. If a person holds a license, certificate or other permit issued by a public agency or federally recognized Indian tribe or nation evidencing qualification or authorization to practice a professional, mechanical or other skill and that person is an emergency responder providing services for a requesting

1 *participant, the person shall be deemed to be licensed, certified or permitted, as*
2 *applicable, by the authority having jurisdiction over the requesting participant for*
3 *the duration of the emergency or disaster.*

4 **Sec. 22.** *1. An emergency responder of an assisting participant is not an*
5 *employee of the requesting participant and is not entitled to any right, privilege or*
6 *benefit of employment from the requesting participant, including, without*
7 *limitation, wages, leave, pensions, health care or other advantages.*

8 *2. An emergency responder who sustains an injury or dies while providing*
9 *intrastate mutual aid to a requesting participant under this chapter is entitled to*
10 *receive all applicable benefits available for a death or injury sustained in the*
11 *course of employment with his or her employer.*

12 **Sec. 23.** *1. All activities performed pursuant to this chapter are deemed to*
13 *be governmental functions for which immunity is provided under the provisions*
14 *of NRS 414.110.*

15 *2. An emergency responder of an assisting participant is an agent of the*
16 *requesting participant for the purposes of tort liability and immunity. An assisting*
17 *participant or its officers or employees providing assistance under this chapter*
18 *are not liable for any act or omission while providing or attempting to provide*
19 *such assistance in good faith. As used in this subsection, "in good faith" does not*
20 *include willful misconduct, gross negligence or recklessness.*

21 **Sec. 24.** *The provisions of this chapter:*

22 *1. Do not prohibit a participant from entering into a supplemental*
23 *agreement with another participant or other entity.*

24 *2. Do not prohibit a participant from receiving support under an agreement*
25 *or contract.*

26 *3. Do not apply to routine support provided by a public agency to a*
27 *neighboring jurisdiction.*

28 *4. Are in addition to and not a substitute for chapters 414 and 415 of NRS.*

29 **Sec. 25.** Chapter 414 of NRS is hereby amended by adding thereto a new
30 section to read as follows:

31 *1. If interstate mutual aid is provided to a party state pursuant to the*
32 *Compact ratified by the Legislature pursuant to NRS 415.010, the Governor may,*
33 *pursuant to sections 2 to 24, inclusive, of this act, request mutual aid from a*
34 *participant for use in providing aid in that state. If a participant provides*
35 *emergency responders pursuant to a request made by the Governor, those*
36 *emergency responders shall be deemed agents of this State.*

37 *2. As used in this section, "participant" has the meaning ascribed to it in*
38 *section 9 of this act.*

39 **Sec. 26.** NRS 414.040 is hereby amended to read as follows:

40 414.040 1. A Division of Emergency Management is hereby created within
41 the Department of Public Safety. The Chief of the Division is appointed by and
42 holds office at the pleasure of the Director of the Department of Public Safety. The
43 Division is the State Agency for Emergency Management and the State Agency for
44 Civil Defense for the purposes of the Compact ratified by the Legislature pursuant
45 to NRS 415.010. The Chief is the State's Director of Emergency Management and
46 the State's Director of Civil Defense for the purposes of that Compact.

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

52 3. The Chief, subject to the direction and control of the Director, shall carry
53 out the program for emergency management in this state. The Chief shall

1 coordinate the activities of all organizations for emergency management within the
2 State, maintain liaison with and cooperate with agencies and organizations of other
3 states and of the Federal Government for emergency management and carry out
4 such additional duties as may be prescribed by the Director.

5 4. The Chief shall assist in the development of comprehensive, coordinated
6 plans for emergency management by adopting an integrated process, using the
7 partnership of governmental entities, business and industry, volunteer organizations
8 and other interested persons, for the mitigation of, preparation for, response to and
9 recovery from emergencies or disasters. In adopting this process, the Chief shall
10 conduct activities designed to:

11 (a) Eliminate or reduce the probability that an emergency will occur or to
12 reduce the effects of unavoidable disasters;

13 (b) Prepare state and local governmental agencies, private organizations and
14 other persons to be capable of responding appropriately if an emergency or disaster
15 occurs by fostering the adoption of plans for emergency operations, conducting
16 exercises to test those plans, training necessary personnel and acquiring necessary
17 resources;

18 (c) Test periodically plans for emergency operations to ensure that the
19 activities of state and local governmental agencies, private organizations and other
20 persons are coordinated;

21 (d) Provide assistance to victims, prevent further injury or damage to persons
22 or property and increase the effectiveness of recovery operations; and

23 (e) Restore the operation of vital community life-support systems and return
24 persons and property affected by an emergency or disaster to a condition that is
25 comparable to or better than what existed before the emergency or disaster
26 occurred.

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

29 (a) *Maintain an inventory of any state or local services, equipment, supplies,*
30 *personnel and other resources related to participation in the Nevada Intrastate*
31 *Mutual Aid System established pursuant to section 15 of this act;*

32 (b) *Coordinate the provision of resources and equipment within this State in*
33 *response to requests for mutual aid pursuant to sections 2 to 24, inclusive, of this*
34 *act or section 25 of this act; and*

35 (c) *Coordinate with state agencies, local governments, Indian tribes or*
36 *nations and special districts to use the personnel and equipment of those state*
37 *agencies, local governments, Indian tribes or nations and special districts as*
38 *agents of the State during a response to a request for mutual aid pursuant to*
39 *section 18 or 25 of this act.*

40 6. The Division shall perform the duties required pursuant to chapter 415A of
41 NRS.

42 ~~16.1~~ 7. The Division shall perform the duties required pursuant to NRS
43 353.2753 at the request of a state agency or local government.

44 **Sec. 27.** NRS 415A.200 is hereby amended to read as follows:

45 415A.200 1. While an emergency declaration is in effect, the Division may
46 by order limit, restrict or otherwise regulate:

47 (a) The duration of practice by volunteer health practitioners;

48 (b) The geographical areas in which volunteer health practitioners may
49 practice;

50 (c) The types of volunteer health practitioners who may practice; and

51 (d) Any other matters necessary to coordinate effectively the provision of
52 health or veterinary services during the emergency.

2. An order issued pursuant to subsection 1 may take effect immediately, without prior notice or comment, and is not a regulation for the purposes of chapter 233B of NRS.

3. A host entity that uses volunteer health practitioners to provide health or veterinary services in this State shall:

(a) Consult with and coordinate its activities with the Division to the extent practicable to provide for the efficient and effective use of those volunteer health practitioners; and

(b) Comply with any laws other than this chapter relating to the management of emergency health or veterinary services, including, without limitation, the provisions of chapter 414 of NRS ~~and~~ *and sections 2 to 24, inclusive, of this act.*

Sec. 28. NRS 480.110 is hereby amended to read as follows:

480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:

1. Chapters 176A and 213 of NRS relating to parole and probation;

2. Chapter 414 of NRS relating to emergency management;

3. *Sections 2 to 24, inclusive, of this act.*

4. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

~~44~~ 5. Chapter 459 of NRS relating to the transportation of hazardous materials;

~~54~~ 6. Chapter 477 of NRS relating to the State Fire Marshal; and

~~64~~ 7. NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders.

Sec. 29. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapter 414 of NRS and *sections 2 to 24, inclusive, of this act and* perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 414 of NRS and *sections 2 to 24, inclusive, of this act and* any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

1 6. The Capitol Police Division shall assist in the enforcement of subsection 1
2 of NRS 331.140.

3 7. The Training Division shall provide training to the employees of the
4 Department.

5 8. The General Services Division shall:

6 (a) Execute, administer and enforce the provisions of chapter 179A of NRS
7 and perform such duties and exercise such powers as may be conferred upon it
8 pursuant to chapter 179A of NRS and any other specific statute;

9 (b) Provide dispatch services for the Department and other agencies as
10 determined by the Director;

11 (c) Maintain records of the Department as determined by the Director; and

12 (d) Provide support services to the Director, the divisions of the Department
13 and the Nevada Criminal Justice Information System as may be imposed by the
14 Director.

15 **Sec. 30.** As soon as practicable after July 1, 2015, the Chief of the Division
16 of Emergency Management of the Department of Public Safety shall appoint the
17 members of the Intrastate Mutual Aid Committee created by section 16 of this act.
18 In appointing the members, the Chief shall select:

19 1. An even number of the members to serve initial terms of 1 year; and

20 2. An odd number of the members to serve initial terms of 2 years.

21 **Sec. 31.** This act becomes effective on July 1, 2015.