

ASSEMBLY BILL NO. 206—ASSEMBLYMEN
MCCURDY; CARRILLO AND FUMO

FEBRUARY 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to emergency management. (BDR 36-864)

FISCAL NOTE: Effect on Local Government: No.
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; requiring the Chief of the Division of Emergency Management of the Department of Public Safety to develop written plans for the mitigation of, preparation for, response to and recovery from emergencies or disasters; abolishing the Committee on Training in Search and Rescue and transferring certain of its duties to the Board of Search and Rescue; requiring the Department of Health and Human Services to develop a written plan to address behavioral health needs in an emergency or disaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Division of Emergency Management of the Department of Public Safety to assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process for the mitigation of, preparation for, response to and recovery from emergencies or disasters. (NRS 414.040) **Section 8** of this bill requires, as part of that process, the Chief to develop written plans for the mitigation of, preparation for, response to and recovery from emergencies or disasters. **Sections 3-6** of this bill prescribe the contents of each of these plans and require the Chief to annually review each plan and revise the plan as necessary. **Section 9** of this bill makes a conforming change.

Section 11 of this bill requires the Department of Health and Human Services to develop a written plan to address behavioral health needs in an emergency or disaster. **Section 11** also: (1) prescribes the contents of this plan; (2) requires the Department to annually review the plan and revise the plan as necessary; and (3) requires the Department to transmit the plan to the Chief.

Existing law creates the Board of Search and Rescue, consisting of 10 members appointed by the Chief. The Board is required, in part, to formulate policy



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regarding search and rescue and provide direction and guidance for the Coordinator of Search and Rescue. The Coordinator, who is an employee of the Division of Emergency Management, is appointed by the Chief and has various duties relating to searches and rescues, including planning, coordinating and providing assistance and applying for grants. (NRS 414.170-414.210) Existing law also creates the Committee on Training in Search and Rescue, consisting of six members appointed by the Coordinator. The Committee is required under existing law to: (1) establish recommendations for organizations specializing in search and rescue and certify organizations which meet those recommendations at the appropriate level; (2) maintain a list of all certified organizations and their resources; and (3) coordinate training in techniques of search and rescue. (NRS 414.220-414.240) **Section 13** of this bill abolishes the Committee on Training in Search and Rescue, and **section 10** of this bill transfers the duties of the Committee to the Board of Search and Rescue.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *“Hazard” means an event or physical condition that has the potential to cause an emergency or disaster.*

Sec. 3. 1. *The written plan to mitigate the impact of an emergency or disaster required by paragraph (a) of subsection 4 of NRS 414.040 must, without limitation, prescribe a process to:*

(a) Identify and evaluate hazards;

(b) Conduct vulnerability assessments with respect to a hazard identified pursuant to paragraph (a); and

(c) Mitigate a hazard identified pursuant to paragraph (a).

2. *On or before December 31 of each year, the Chief shall review and revise the plan as necessary.*

Sec. 4. 1. *The written plan to prepare for an emergency or disaster required by paragraph (a) of subsection 4 of NRS 414.040 must, without limitation:*

(a) Prescribe a program for developing and maintaining the capabilities of state agencies, local governments and Indian tribes or nations to respond to and recover from an emergency or disaster, including, without limitation, any training, drills or exercises;

(b) Prescribe a schedule for reviewing plans for emergency management adopted by a political subdivision of this State or an Indian tribe or nation;

(c) Prescribe a program for disseminating information to the public regarding the mitigation of, preparation for, response to and recovery from an emergency or disaster;

(d) Prescribe a program for coordinating the response to an emergency or disaster at the state level; and



(e) Identify and prescribe programs to address any gaps in emergency response or any needs identified in vulnerability assessments relating to hazards.

2. On or before December 31 of each year, the Chief shall review and revise the plan as necessary.

Sec. 5. 1. The written plan to respond to emergencies or disasters required by paragraph (a) of subsection 4 of NRS 414.040 must, without limitation:

(a) Describe the roles of state agencies, local governments, Indian tribes or nations and private organizations, including, without limitation, volunteer organizations, during an emergency or disaster;

(b) Describe the primary mechanisms for providing assistance at the state level during an emergency or disaster; and

(c) Describe the policies, processes, procedures, roles and responsibilities that state agencies carry out before, during and after an emergency or disaster.

2. On or before December 31 of each year, the Chief shall review and revise the plan as necessary.

Sec. 6. 1. The written plan for recovery from an emergency or disaster required by paragraph (a) of subsection 4 of NRS 414.040 must, without limitation:

(a) Establish an organizational structure that facilitates support by the Division of Emergency Management of the Department of Public Safety of any recovery activities conducted by local governments and Indian tribes or nations after an emergency or disaster;

(b) Assign roles and responsibilities to state agencies to support recovery activities;

(c) Identify persons who are employees of federal agencies, state and local governmental agencies, Indian tribes or nations, private organizations or other entities identified by the Division who will serve as liaisons between those agencies, organizations or entities and the Division to coordinate recovery activities; and

(d) Facilitate the stabilization, rebuilding and revitalization of communities impacted by an emergency or disaster.

2. Upon request of a state agency, local government or Indian tribe or nation, the Division shall provide training regarding the plan.

3. On or before December 31 of each year, the Chief shall review and revise the plan as necessary.

Sec. 7. NRS 414.030 is hereby amended to read as follows:
414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.



Sec. 8. NRS 414.040 is hereby amended to read as follows:

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

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

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

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

(a) Except as otherwise provided in section 11 of this act, develop written plans for the mitigation of, preparation for, response to and recovery from emergencies and disasters. The plans developed by the Chief pursuant to this paragraph must include the information prescribed in sections 3 to 6, inclusive, of this act.

(b) Conduct activities designed to:

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

~~(b)~~ (2) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to



test those plans, training necessary personnel and acquiring necessary resources;

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

~~[(d)]~~ (4) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

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

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

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

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

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

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

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

Sec. 9. NRS 414.097 is hereby amended to read as follows:

414.097 1. The state emergency management plan prepared pursuant to NRS 414.060 and each plan for emergency operations specified in *subparagraph (2) of* paragraph (b) of subsection 4 of NRS 414.040 that is adopted by a state or local governmental agency must include provisions ensuring that, to the extent practicable, a person with a disability who uses a service animal is evacuated, transported and sheltered together with the service animal during a disaster or emergency.

2. As used in this section:

(a) "Disability" has the meaning ascribed to it in NRS 426.068.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.



Sec. 10. NRS 414.180 is hereby amended to read as follows:

414.180 The Board shall:

1. Meet at the call of the Chief and at least once every 6 months;

2. Provide direction and guidance for the Coordinator;

3. Formulate policy regarding search and rescue; ~~and~~

4. *Coordinate training in techniques of search and rescue;*

5. *Establish recommendations for organizations specializing in search and rescue, and certify organizations which meet those recommendations at the appropriate level;*

6. *Maintain a list of all organizations certified pursuant to subsection 5 and their resources; and*

7. Carry out the other duties assigned to it in this chapter.

Sec. 11. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop a written plan to address behavioral health needs in an emergency or disaster. Such a plan must, without limitation:*

(a) *Prescribe a process for assessing the need for behavioral health resources during or after an emergency or disaster based on the estimated impact of the emergency or disaster and the estimated depletion of resources during the emergency or disaster;*

(b) *Ensure continuity of services for existing patients with a mental illness, developmental disability or intellectual disability during an emergency or disaster;*

(c) *Prescribe strategies to deploy triage and psychological first-aid services during an emergency or disaster;*

(d) *Identify opportunities for the rendering of mutual aid during an emergency or disaster;*

(e) *Prescribe procedures to address the behavioral health needs of first responders during and after an emergency or disaster; and*

(f) *Prescribe measures to aid the recovery of the behavioral health system after an emergency or disaster.*

2. *On or before December 31 of each year, the Department shall:*

(a) *Review the plan developed pursuant to subsection 1 and revise the plan as necessary; and*

(b) *Transmit the plan to the Chief of the Division of Emergency Management of the Department of Public Safety.*

3. *As used in this section:*

(a) *"Disaster" has the meaning ascribed to it in NRS 414.0335.*

(b) *"Emergency" has the meaning ascribed to it in NRS 414.0345.*



- 1 **Sec. 12.** NRS 232.290 is hereby amended to read as follows:
2 232.290 As used in NRS 232.290 to 232.4858, inclusive, *and*
3 *section 11 of this act*, unless the context requires otherwise:
4 1. "Department" means the Department of Health and Human
5 Services.
6 2. "Director" means the Director of the Department.
7 **Sec. 13.** NRS 414.032, 414.220, 414.230 and 414.240 are
8 hereby repealed.
9 **Sec. 14.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

414.032 "Committee" defined. "Committee" means the Committee on Training in Search and Rescue.

414.220 Committee on Training in Search and Rescue: Creation; members. The Committee on Training in Search and Rescue, consisting of six members appointed by the Coordinator with the advice of the Board, is hereby created.

414.230 Committee on Training in Search and Rescue: Duties. The Committee shall:

1. Meet at the call of the Coordinator and at least once every 6 months;
2. Establish recommendations for organizations specializing in search and rescue, and certify organizations which meet those recommendations at the appropriate level;
3. Maintain a list of all certified organizations and their resources; and
4. Coordinate training in techniques of search and rescue.

414.240 Committee on Training in Search and Rescue: Regulations. The Committee may adopt regulations necessary to carry out the duties assigned to it in this chapter.

