

Amendment No. 797

Assembly Amendment to Senate Bill No. 67 First Reprint
(BDR 36-355)

Proposed by: Assemblywoman Peters

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 67 R1 (§ 2).

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.

AMM/AAK



Date: 5/19/2019

S.B. No. 67—Revises provisions governing local emergency management.
(BDR 36-355)



SENATE BILL NO. 67—COMMITTEE ON GOVERNMENT AFFAIRS

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

PREFILED NOVEMBER 20, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing local emergency management.
(BDR 36-355)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emergency management; creating the Nevada Tribal Emergency Coordinating Council; prescribing the membership and duties of the Council; revising provisions governing a local organization for emergency management; 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 coordinate the activities of all organizations for emergency management within Nevada. (NRS 414.040) **Section 1** of this bill creates the Nevada Tribal Emergency Coordinating Council within the Division. **Section 1** requires the Chief of the Division to appoint not more than 27 members to the Council, each of whom must ~~be a member of~~ **represent** a different federally recognized Indian tribe or nation which is located within Nevada. **Section 1** requires the Council to: (1) advise the Chief regarding emergency management on tribal lands; (2) assist in the coordination of mitigation, preparedness, response and recovery activities relating to an emergency on tribal lands; and (3) submit an annual report to the Chief detailing the Council's activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands.

Existing law authorizes each county and city in Nevada to establish a local organization for emergency management. A local organization for emergency management is responsible for performing functions of emergency management within the territorial limits of the political subdivision within which it is organized and, if required, outside those territorial limits. (NRS 414.090) **Section 2** of this bill makes it mandatory for a county to establish a local organization for emergency management, but, in lieu of each county establishing its own local organization for emergency management, **section 2** authorizes the boards of county commissioners of two or more counties to enter into an interlocal agreement establishing one local organization for emergency management for all the counties that are parties to the agreement.

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 a new section to read as follows:

1. The Nevada Tribal Emergency Coordinating Council, consisting of not more than 27 members appointed by the Chief, is hereby created within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint each member from a different federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State. ~~[Not more than one]~~ A member of the Council may ~~[be from the same]~~ not represent more than one federally recognized Indian tribe or nation.

2. The term of office of each member of the Council is 2 years.

3. The Council shall meet at the call of the Chief and at least once every 3 months.

4. The Division of Emergency Management shall provide the Council with administrative support.

5. The Council shall:

(a) Advise the Chief regarding emergency management on tribal lands;

(b) Assist in the coordination of mitigation, preparedness, response and recovery activities related to an emergency on tribal lands; and

(c) Submit an annual report to the Chief on or before January 31 of each year which must include, without limitation:

(1) A summary of the activities of the Council during the immediately preceding calendar year; and

(2) Recommendations relating to emergency management on tribal lands.

6. The Attorney General shall enter into any agreements necessary to carry out the provisions of this section.

Sec. 2. NRS 414.090 is hereby amended to read as follows:

~~414.090 1. [Each political subdivision]~~ *Except as otherwise provided in subsection 2, each county of this state shall, and each city of this state may , establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. Such a political subdivision may confer or authorize the conferring upon members of the auxiliary police the powers of police officers, subject to such restrictions as it imposes. Each local organization for emergency management must have a director who must be appointed by the executive officer or governing body of the political subdivision, and who has direct responsibility for the organization, administration and operation of the local organization for emergency management subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall perform functions of emergency management within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of NRS 414.100.*

2. In lieu of establishing a local organization for emergency management pursuant to subsection 1, the boards of county commissioners of two or more counties may enter into an interlocal agreement that:

(a) Establishes a local organization for emergency management for the counties that are parties to the agreement; and

1 ***(b) Ensures compliance with the requirements of subsection 1.***

2 **3.** In carrying out the provisions of this chapter, each political subdivision in
3 which any emergency or disaster described in NRS 414.020 occurs may enter into
4 contracts and incur obligations necessary to combat such an emergency or disaster,
5 protect the health and safety of persons and property and provide emergency
6 assistance to the victims of such an emergency or disaster. Each political
7 subdivision may exercise the powers vested under this section in the light of the
8 exigencies of the extreme emergency or disaster without regard to time-consuming
9 procedures and formalities prescribed by law, except constitutional requirements,
10 pertaining to the performance of public work, entering into contracts, the incurring
11 of obligations, the employment of temporary workers, the rental of equipment, the
12 purchase of supplies and materials, the levying of taxes, and the appropriation and
13 expenditure of public funds.

14 **Sec. 3.** The provisions of NRS 354.599 do not apply to any additional
15 expenses of a local government that are related to the provisions of this act.

16 **Sec. 4.** This act becomes effective upon passage and approval.