

Amendment No. 2

Senate Amendment to Senate Bill No. 14	(BDR 36-280)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.



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; expanding the types of services regarding which certain utilities are required to develop and submit vulnerability assessments and 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:

Existing law creates the Division of Emergency Management within the Department of Public Safety. (NRS 414.040) Among its various duties under existing law, the Division is required to: (1) develop a written guide to assist a person or governmental entity that is required to file an emergency response plan; and (2) provide the guide to certain persons and governmental entities that are required to file an emergency response plan. (NRS 414.040) **Section 1** of this bill: (1) requires the Division to post the guide on a publicly accessible Internet website maintained by the Division; and (2) makes the requirement to provide a copy of the written guide to certain persons or governmental entities only upon the request of such a person or entity.

Existing law requires certain persons or entities to: (1) develop an emergency response plan for a school, a city or county, a resort hotel and a utility; and (2) submit such a plan to the Division of Emergency Management. (NRS 239C.250, 239C.270, 388.243, 394.1687, 463.790) Existing law additionally requires each public or private utility that provides water service, electric service or natural gas service to 500 or more service locations, or operates a pipeline necessary to provide such service, and each provider of new electric resources to conduct a vulnerability assessment and submit the assessment to the Division. (NRS 293C.110, 239C.270~~4~~, 704B.130) **Section 1.5 of this bill adds wastewater as one of**

the services regarding which such a utility is required to conduct and submit a vulnerability assessment and develop and submit an emergency response plan. Section 2 of this bill requires the Public Utilities Commission of Nevada, the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Office of Energy in the Office of the Governor 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 an emergency response plan.

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

Section 1. 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:

(a) Except as otherwise provided in NRS 232.3532, 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 NRS 414.041 to 414.044, inclusive.

(b) Conduct activities designed to:

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

(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;

(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;

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

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

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

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

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

13 (c) Coordinate with state agencies, local governments, Indian tribes or nations
14 and special districts to use the personnel and equipment of those state agencies,
15 local governments, Indian tribes or nations and special districts as agents of the
16 State during a response to a request for mutual aid pursuant to NRS 414.075 or
17 414A.130; and

18 (d) Provide notice:

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

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

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

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

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

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

40 6. The Division shall:

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

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

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

50 (d) Submit a written report to the Nevada Commission on Homeland Security
51 within 60 days of making a grant of money to a state agency, political subdivision
52 or tribal government to pay for a project or program relating to the prevention of,

1 detection of, mitigation of, preparedness for, response to and recovery from acts of
2 terrorism that includes, without limitation:

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

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

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

8 7. The Division shall develop a written guide for the preparation and
9 maintenance of an emergency response plan to assist a person or governmental
10 entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243,
11 394.1687 or 463.790. The Division shall review the guide on an annual basis and
12 revise the guide if necessary. On or before January 15 of each year, the Division
13 shall ~~provide~~ *post* the guide ~~to:~~

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

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

18 ~~— (c) Each development committee required to develop a plan to be used in~~
19 ~~responding to a crisis, emergency or suicide by;~~

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

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

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

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

29 **Sec. 1.5. NRS 239C.110 is hereby amended to read as follows:**

30 239C.110 1. “Utility” means any public or private entity that:

31 (a) Provides water service, wastewater service, electric service or natural gas
32 service to 500 or more service locations; or

33 (b) Operates any pipeline that is necessary to provide such service.

34 2. The term includes, without limitation:

35 (a) A governmental utility.

36 (b) A public utility that is regulated by the Public Utilities Commission of
37 Nevada pursuant to chapter 704 of NRS.

38 (c) A rural electric cooperative established pursuant to chapter 81 of NRS.

39 (d) A cooperative association, nonprofit corporation, nonprofit association or
40 provider of electric service which is declared to be a public utility pursuant to NRS
41 704.673 and which provides service only to its members.

42 (e) A community water system that is subject to the requirements of 42 U.S.C.
43 § 300i-2.

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

45 239C.270 1. Each utility and each provider of new electric resources shall:

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

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

51 2. Each utility shall:

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

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

3. Each provider of new electric resources shall:

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

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

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

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

~~5.1~~ 6. Except as otherwise provided in NRS 239C.210, a person shall not disclose such information, except:

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

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

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

(d) Pursuant to the provisions of NRS 239.0115.

~~6.1~~ 7. If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

(a) A gross misdemeanor; or

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

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

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

~~7.1~~ 8. As used in this section, "provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

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