

ASSEMBLY BILL NO. 43—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DIVISION OF EMERGENCY MANAGEMENT
OF THE OFFICE OF THE MILITARY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to school emergency operations plans. (BDR 34-238)

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 certain deadlines relating to school emergency operations plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to establish an emergency operations plan development committee to develop a plan for responding to certain emergencies in each school. (NRS 388.241, 388.243, 394.1685, 394.1687) Existing law requires each emergency operations plan development committee to: (1) review and update the emergency plan at least once each year; and (2) provide a copy of the updated plan to the board of trustees of the school district, the governing body of the charter school or the governing body of the private school, as applicable, that established the committee. Existing law requires such board of trustees or governing body, as applicable, to submit a copy of the updated plan to the Division of Emergency Management of the Office of the Military and local public safety agencies and emergency management organizations. (NRS 388.245, 394.1688) Existing law requires the Chief of the Division to report annually to the Superintendent of Public Instruction whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with these requirements. (NRS 414.040).

Sections 1 and 2 of this bill require each emergency operations plan development committee to provide a copy of the updated plan to the board of trustees of the school district or the governing body of the charter school or private school, as applicable, on or before August 1 of each year. **Sections 1 and 2** also revise from July 1 to August 15 of each year the date by which each board of trustees of a school district, governing body of a charter school or governing body



of a private school must submit a copy of an updated plan to the Division and, for a private school, to local public safety agencies and emergency management organizations. **Section 3** of this bill revises from August 15 to November 15 of each year the date by which the Chief of the Division must report to the Superintendent of Public Instruction regarding whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with requirements governing the review, update and submission of a plan for responding to emergencies at each public school or private school.

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

Section 1. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each emergency operations plan development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the emergency operations plan development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

2. ~~Each~~ *On or before August 1 of each year, each* emergency operations plan development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. On or before ~~July 1~~ *August 15* of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its emergency operations plan development committee performs pursuant to subsection 1 on the Internet website maintained by the school district or governing body and by each school in the school district or by the charter school, as applicable;

(b) File with the Department a copy of the notice posted pursuant to paragraph (a);

(c) Post a link to NRS 388.229 to 388.266, inclusive, on the Internet website maintained by each school in its school district or by the charter school;



(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; and

(2) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Office of the Military;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive.

Sec. 2. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each emergency operations plan development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the emergency operations plan development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.



2. On or before ~~July~~ **August** 1 of each year, each emergency operations plan development committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its emergency operations plan development committee performs pursuant to subsection 1 on the Internet website maintained by the school;

(b) File with the Department a copy of the notice posted pursuant to paragraph (a);

(c) Post a link to NRS 388.253 and 394.168 to 394.1699, inclusive, on the Internet website maintained by the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) On or before ~~July 1~~ **August 15** of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Office of the Military; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Office of the Military;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.



1 4. As used in this section, "public safety agency" has the
2 meaning ascribed to it in NRS 388.2345.

3 **Sec. 3.** NRS 414.040 is hereby amended to read as follows:

4 414.040 1. A Division of Emergency Management is hereby
5 created within the Office of the Military. The Chief of the Division
6 is appointed by and holds office at the pleasure of the Adjutant
7 General of the Office of the Military. The Division is the State
8 Agency for Emergency Management and the State Agency for Civil
9 Defense for the purposes of the Compact ratified by the Legislature
10 pursuant to NRS 415.010. The Chief is the State's Director of
11 Emergency Management and the State's Director of Civil Defense
12 for the purposes of that Compact.

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

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

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

34 (a) Except as otherwise provided in NRS 232.3532, develop
35 written plans for the mitigation of, preparation for, response to and
36 recovery from emergencies and disasters. The plans developed by
37 the Chief pursuant to this paragraph must include the information
38 prescribed in NRS 414.041 to 414.044, inclusive.

39 (b) Conduct activities designed to:

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

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



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

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

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

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

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

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

19 (b) Coordinate the provision of resources and equipment within
20 this State in response to requests for mutual aid pursuant to NRS
21 414.075 or chapter 414A of NRS;

22 (c) Coordinate with state agencies, local governments, Indian
23 tribes or nations and special districts to use the personnel and
24 equipment of those state agencies, local governments, Indian tribes
25 or nations and special districts as agents of the State during a
26 response to a request for mutual aid pursuant to NRS 414.075 or
27 414A.130; and

28 (d) Provide notice:

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

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

36 (3) On or before February 15 of each year to the Governor of
37 whether each governmental utility described in subsection 1 of NRS
38 239C.050 and each provider of new electric resources has complied
39 with the requirements of NRS 239C.270;

40 (4) On or before February 15 of each year to the governing
41 body of each governmental utility described in subsection 2 of NRS
42 239C.050 and each provider of new electric resources of whether
43 each such governmental utility has complied with the requirements
44 of NRS 239C.270;



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

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

6. The Division shall:

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

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

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

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

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

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

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

7. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall post the guide on a publicly accessible Internet website maintained by the Division.

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



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

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