

AMENDMENTS TO LB512

(Amendments to Standing Committee amendments, AM1620)

Introduced by Brewer, 43.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike original section 6 and insert the following new sections:

3 Sec. 6. Section 81-829.39, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-829.39 For purposes of the Emergency Management Act, unless the
6 context otherwise requires:

7 (1) Civil defense emergency means an emergency declared by the
8 President of the United States or Congress pursuant to applicable federal
9 law finding that an attack upon the United States has occurred or is
10 anticipated and that the national safety therefor requires the invocation
11 of the emergency authority provided for by federal law. Civil defense
12 emergency also means an enemy attack or other hostile action within the
13 State of Nebraska or a determination by the President of the United
14 States that any attack has been made upon or is anticipated within a
15 designated geographic area which includes all or a part of the State of
16 Nebraska. Any such emergency shall terminate in the manner provided by
17 federal law or by proclamation of the Governor or resolution of the
18 Legislature terminating such emergency;

19 (2) Disability has the same meaning as in 42 U.S.C. 12102, as such
20 section existed on January 1, 2022;

21 (3) ~~(2)~~ Disaster means any event or the imminent threat thereof
22 causing widespread or severe damage, injury, or loss of life or property
23 resulting from any natural or manmade cause;

24 (4) ~~(3)~~ Emergency means any event or the imminent threat thereof
25 causing serious damage, injury, or loss of life or property resulting
26 from any natural or manmade cause which, in the determination of the

1 Governor or the principal executive officer of a local government,
2 requires immediate action to accomplish the purposes of the Emergency
3 Management Act and to effectively respond to the event or threat of the
4 event;

5 (5) ~~(4)~~ Emergency management means the preparation for and the
6 carrying out of all emergency functions, other than functions for which
7 military forces are primarily responsible, to mitigate, prevent,
8 minimize, respond to, and recover from injury and damage resulting from
9 disasters, emergencies, or civil defense emergencies. Emergency
10 management functions include, but need not be limited to, firefighting
11 services, police services, medical and health services, search and rescue
12 services, engineering services, communications and warning systems,
13 radiological preparedness, hazardous materials response, evacuation of
14 persons from stricken areas, emergency welfare services, emergency
15 transportation services, restoration of public utility services, and
16 other functions related to civilian protection, together with all other
17 activities necessary or incidental to the preparation for and carrying
18 out of the functions listed in this subdivision;

19 (6) ~~(5)~~ Emergency management worker includes any full-time or part-
20 time paid, volunteer, or auxiliary employee of this state or other
21 states, territories, or possessions of the federal government or any
22 neighboring country or of any political subdivision thereof, of the
23 District of Columbia, or of any agency or organization performing
24 emergency management services at any place in this state subject to the
25 order or control of or pursuant to a request of the state government or
26 any political subdivision thereof and also includes instructors and
27 students in emergency management educational programs approved by the
28 Nebraska Emergency Management Agency or otherwise under the provisions of
29 the Emergency Management Act;

30 (7) Functional needs means additional needs before, during, and
31 after a disaster or an emergency in one or more functional areas,

1 including, but not limited to, maintaining independence, communication,
2 transportation, safety, support, and health care;

3 (8) (6) Hazard mitigation means measures which will eliminate or
4 reduce the potential for damage to an area or facility from the effects
5 of a future disaster, emergency, or civil defense emergency;

6 (9) (7) Local government means a county, village, or city of any
7 class;

8 (10) (8) Political subdivision means a city, village, county, school
9 district, public power district, natural resources district, and any
10 other unit of government below the state level, including any entity
11 created pursuant to the Interlocal Cooperation Act or the Joint Public
12 Agency Act;

13 (11) (9) Principal executive officer means the mayor in a city of
14 any class or the elected chairperson of the governing body of a village
15 or county;

16 (12) (10) State emergency response team means an organization for
17 emergency management established in accordance with the provisions of
18 sections 81-829.52 to 81-829.54 by state authority to supplement city,
19 village, county, or interjurisdictional emergency management
20 organizations in a stricken area; and

21 (13) (11) Technological hazard means a hazard emanating from the
22 manufacture, transportation, and use of such substances as radioactive
23 materials, chemicals, explosives, flammables, agricultural pesticides,
24 herbicides, disease agents, oil spills, and debris from space.

25 Sec. 7. Section 81-829.41, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-829.41 (1) The Nebraska Emergency Management Agency shall be
28 maintained in the office of the Adjutant General. The Adjutant General
29 shall be the director of the agency, shall administer the Emergency
30 Management Act subject to the direction and control of the Governor, and
31 shall receive such compensation for these services as shall be determined

1 by the Governor. The agency shall have an assistant director and such
2 other professional, technical, secretarial, and clerical employees as are
3 necessary for the performance of its functions.

4 (2) The agency shall maintain an emergency operations plan and keep
5 it current. The plan may include, but need not be limited to:

6 (a) A history of Nebraska disasters, emergencies, and civil defense
7 emergencies;

8 (b) An analysis of past and potential disasters, emergencies, and
9 civil defense emergencies, including an identification of the functions
10 and resources required to cope with such occurrences. The expected
11 frequency of occurrence, along with the severity of effect, shall
12 indicate the priority of preparedness efforts of the emergency management
13 organizations of the state;

14 (c) Measures to be undertaken to accomplish damage assessment and
15 situation analysis, warning, direction and control, coordination of
16 operating forces, emergency resource management, emergency information
17 and official instructions, communications and other necessary support to
18 emergency response operations, and coordination and cooperation of
19 federal, state, local, and nongovernmental agencies so as to provide a
20 prompt and effective response to disasters, emergencies, and civil
21 defense emergencies to prevent and minimize the injury and damage;

22 (d) The provision of relief and recovery assistance to individuals,
23 political subdivisions of the state, and state agencies;

24 (e) Identification of areas of the state particularly vulnerable to
25 disaster, emergency, or civil defense emergency;

26 (f) Recommendations for preventive and preparedness measures
27 designed to eliminate or reduce disasters, emergencies, or civil defense
28 emergencies or their impact, including, but not limited to, zoning,
29 building, and other land-use control, and safety measures for securing
30 mobile homes or other nonpermanent or semipermanent structures;

31 (g) Authorization and procedures for the erection or other

1 construction of temporary works designed to protect against or mitigate
2 danger, damage, or loss from flood, conflagration, or other disaster,
3 emergency, or civil defense emergency;

4 (h) Assistance in designing city, village, county, and
5 interjurisdictional emergency operations plans;

6 (i) Preparation and distribution to the appropriate state and
7 political subdivision officials of catalogs of federal, state, and
8 private disaster assistance programs; and

9 (j) Other necessary matters.

10 (3) The Nebraska Emergency Management Agency shall take an integral
11 part in the development and revision of city, village, county, and
12 interjurisdictional emergency operations plans prepared under section
13 81-829.46. It shall employ or otherwise secure the services of
14 professional and technical personnel capable of providing expert
15 assistance to political subdivisions and to city, village, county, and
16 interjurisdictional emergency management organizations. Such personnel
17 shall consult with such political subdivisions and organizations on a
18 regularly scheduled basis and shall make field examinations of the areas,
19 circumstances, and conditions to which particular city, village, county,
20 and interjurisdictional emergency operations plans are intended to apply
21 and may suggest or require revisions.

22 (4) In preparing and revising the Nebraska emergency operations
23 plans, the agency shall seek the advice and assistance of other agencies
24 of government and the private sector, including organizations providing
25 advocacy or other services to persons with disabilities or who have
26 functional needs. In advising city, village, county, and
27 interjurisdictional emergency management organizations, the Nebraska
28 Emergency Management Agency shall encourage them to also seek advice from
29 these sources.

30 (5) The Nebraska emergency operations plans or any part thereof may
31 be incorporated in rules or regulations of the agency.

1 (6) The agency shall:

2 (a) Determine the requirements of the state and its political
3 subdivisions for basic necessities such as food, clothing, and shelter in
4 various disaster, emergency, or civil defense emergency situations;

5 (b) Procure and pre-position emergency supplies, materials, and
6 equipment;

7 (c) Adopt and promulgate rules and regulations setting out standards
8 and requirements for city, village, county, and interjurisdictional
9 emergency operations plans;

10 (d) Periodically review city, village, county, and
11 interjurisdictional emergency operations plans;

12 (e) Provide for state emergency response teams;

13 (f) Establish and operate or assist local governments, their
14 emergency management organizations, and interjurisdictional emergency
15 management organizations in establishing and operating training programs
16 and programs of public information;

17 (g) Make surveys of such industries, resources, and facilities, both
18 public and private, within the state as are necessary to carry out the
19 purposes of the Emergency Management Act;

20 (h) Plan and make arrangements for the availability and use of any
21 private facilities, services, and property and, if necessary and if in
22 fact used, provide for payment for use under terms and conditions agreed
23 upon;

24 (i) Establish a register of persons and organizations with training
25 and skills important in disaster prevention, mitigation, preparedness,
26 response, and recovery and emergency management;

27 (j) Establish a register of mobile and construction equipment and
28 temporary housing available for use in a disaster or emergency;

29 (k) Prepare for issuance by the Governor proclamations, orders,
30 rules, and regulations as are necessary or appropriate in coping with
31 disasters, emergencies, and civil defense emergencies;

1 (l) Cooperate with the federal government and any public or private
2 agency or entity in achieving any purpose of the act and in implementing
3 programs for disaster prevention, mitigation, preparedness, response, and
4 recovery and emergency management;

5 (m) Coordinate state emergency response as directed by the Governor;

6 (n) Cooperate with other emergency management agencies and public
7 agencies in the development of emergency management registries which
8 include persons with disabilities or who have functional needs and the
9 families and guardians of such persons for purposes of planning for
10 assistance for such persons and their families and guardians before,
11 during, and after a disaster or other emergency. Participation in an
12 emergency management registry by persons with functional needs and their
13 families shall be voluntary. Information obtained by emergency management
14 agencies or other public agencies for such purposes shall not be
15 considered a public record under section 84-712.01. All information
16 acquired pursuant to this subdivision is confidential and shall not be
17 disclosed or released except to other agencies which have a legitimate
18 and official interest in the information for carrying out the purposes of
19 this subdivision. Any person acquiring information pursuant to this
20 subdivision who intentionally discloses or releases such information in
21 violation of this subdivision is guilty of a Class III misdemeanor; and

22 (o) Do other things necessary, incidental, or appropriate for the
23 implementation of the act.

24 Sec. 8. Original sections 81-829.39 and 81-829.41, Reissue Revised
25 Statutes of Nebraska, are repealed.