

LEGISLATIVE BILL 847

Approved by the Governor March 11, 2024

Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Interstate Civil Defense and Disaster Compact; to amend sections 81-829.47, 81-829.52, and 81-829.56, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency response agreements with other states; to withdraw from the Interstate Civil Defense and Disaster Compact; to harmonize provisions; to repeal the original sections; and to outright repeal section 1-109, Appendix, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-829.47, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.47 (1) If the Governor finds that two or more adjoining counties would be better served by an interjurisdictional emergency management arrangement than by maintaining separate emergency management organizations and services, the Governor ~~he or she~~ may delineate by order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to a disaster, emergency, or civil defense emergency in that area and direct such steps to be taken as are necessary, including the creation of an interjurisdictional emergency management relationship, a joint emergency operations plan, mutual aid, or an interjurisdictional emergency management organization. A finding of the Governor pursuant to this subsection shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, mitigation, preparedness, response, and recovery and emergency management system without such interjurisdictional arrangement, such as:

(a) Small or sparse population;

(b) Limitations on public financial resources severe enough to make maintenance of separate emergency management organizations and services unreasonably burdensome;

(c) Unusual vulnerability to disaster, emergency, or civil defense emergency as evidenced by past history, topographical features, drainage characteristics, potential for disaster, emergency, or civil defense emergency, and presence of facilities or operations prone to disaster, emergency, or civil defense emergency;

(d) The interrelated character of the counties in a multicounty area; or

(e) Other relevant conditions or circumstances.

(2) If the Governor finds that a vulnerable area lies only partly within this state and includes territory in another state or states and that it would be desirable to establish an interstate relationship, mutual aid, or an interstate emergency management organization, the Governor ~~he or she~~ shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the Emergency Management Assistance Compact Interstate Civil Defense and Disaster Compact, any resulting agreements may be considered supplementary ~~supplemental~~ agreements pursuant to Article VII § of that compact.

(3) If the other jurisdictions with which the Governor proposes to cooperate pursuant to subsection (2) of this section have not enacted the compact, the Governor ~~he or she~~ may negotiate special agreements with the jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, shall become effective only after its text has been communicated electronically to the Legislature and if the Legislature has not disapproved it prior to adjournment of the next session competent to consider it or within thirty days of its submission, whichever is later.

Sec. 2. Section 81-829.52, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.52 Upon orders of the Governor, the Adjutant General is authorized to establish such number of state emergency response teams as may be necessary to reinforce emergency management organizations in stricken areas and with due consideration of the plans of the federal government and of other states. The Adjutant General shall appoint a team leader for each team who shall have primary responsibility for the organization, administration, and operation of such team. The team leader shall keep and maintain a roster of members of the team, and only such persons whose names appear on the roster shall be deemed members of such team and entitled to the benefits provided by section 81-829.53. No political subdivision shall be entitled to reimbursement as provided in section 81-829.54 unless the individual on whose behalf reimbursement is sought was duly enrolled on the roster as provided in this section at the time the obligation was incurred. State emergency response teams shall perform their functions in any part of the state or, upon the conditions specified in mutual aid plans and emergency management agreements, in accordance with the Emergency Management Assistance Compact Interstate Civil Defense and Disaster Compact, and in this section, in other states.

Sec. 3. Section 81-829.56, Reissue Revised Statutes of Nebraska, is

amended to read:

81-829.56 (1) ~~The State of Nebraska This state hereby withdraws from enacts into law and enters into the Interstate Civil Defense and Disaster Compact pursuant to Article 13 of such compact with all states bordering this state which have enacted or shall hereafter enact the compact in the form substantially as adopted in this state.~~

~~(2) The Governor may enter into the compact with any state which does not border this state if he or she finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency disaster planning, prevention, response, and recovery.~~

~~(3) Nothing in subsections (1) and (2) of this section shall be construed to limit previous or future entry into the Interstate Civil Defense and Disaster Compact of this state with other states.~~

(2) (4) If any person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster, and the State of Nebraska this state shall give due recognition to the license, certificate, or other permit.

(3) (5) ~~In addition to the Interstate Civil Defense and Disaster Compact,~~ the Governor may enter into, and execute on behalf of the State of Nebraska, mutual aid agreements or emergency preparedness compacts with other states. Any such agreement or compact shall provide for reimbursement of all costs incurred by the State of Nebraska for actions taken in another state, for indemnification of the State of Nebraska and its employees against all claims, costs, or fees arising from actions taken in another state, and for termination of the agreement or assistance as necessary to meet disasters, emergencies, or other needs of the State of Nebraska. Any mutual aid agreement or emergency preparedness compact other than the Emergency Management Assistance Compact ~~that Interstate Civil Defense and Disaster Compact~~ which does not meet the requirements specified in this subsection shall be submitted electronically to the Legislature for approval by the Legislature before such agreement or compact ~~it~~ can become effective.

Sec. 4. Original sections 81-829.47, 81-829.52, and 81-829.56, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. The following section is outright repealed: Section 1-109, Appendix, Reissue Revised Statutes of Nebraska.