

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 434
Final Reading

Introduced by Price, 3.

Read first time January 22, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Emergency Management Act; to amend section
2 81-829.41, Reissue Revised Statutes of Nebraska; to
3 provide duties for the Nebraska Emergency Management
4 Agency relating to emergency management registries; to
5 provide for voluntary participation; to provide for
6 certain information not to be considered a public record;
7 to provide for confidentiality of certain information; to
8 provide a penalty; and to repeal the original section.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.41, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-829.41 (1) The Nebraska Emergency Management Agency
4 shall be maintained in the office of the Adjutant General. The
5 Adjutant General shall be the director of the agency, shall
6 administer the Emergency Management Act subject to the direction and
7 control of the Governor, and shall receive such compensation for
8 these services as shall be determined by the Governor. The agency
9 shall have an assistant director and such other professional,
10 technical, secretarial, and clerical employees as are necessary for
11 the performance of its functions.

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

15 (a) A history of Nebraska disasters, emergencies, and
16 civil defense emergencies;

17 (b) An analysis of past and potential disasters,
18 emergencies, and civil defense emergencies, including an
19 identification of the functions and resources required to cope with
20 such occurrences. The expected frequency of occurrence, along with
21 the severity of effect, shall indicate the priority of preparedness
22 efforts of the emergency management organizations of the state;

23 (c) Measures to be undertaken to accomplish damage
24 assessment and situation analysis, warning, direction and control,
25 coordination of operating forces, emergency resource management,

1 emergency information and official instructions, communications and
2 other necessary support to emergency response operations, and
3 coordination and cooperation of federal, state, local, and
4 nongovernmental agencies so as to provide a prompt and effective
5 response to disasters, emergencies, and civil defense emergencies to
6 prevent and minimize the injury and damage;

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

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

11 (f) Recommendations for preventive and preparedness
12 measures designed to eliminate or reduce disasters, emergencies, or
13 civil defense emergencies or their impact, including, but not limited
14 to, zoning, building, and other land-use control, and safety measures
15 for securing mobile homes or other nonpermanent or semipermanent
16 structures;

17 (g) Authorization and procedures for the erection or
18 other construction of temporary works designed to protect against or
19 mitigate danger, damage, or loss from flood, conflagration, or other
20 disaster, emergency, or civil defense emergency;

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

23 (i) Preparation and distribution to the appropriate state
24 and political subdivision officials of catalogs of federal, state,
25 and private disaster assistance programs; and

1 (j) Other necessary matters.

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

15 (4) In preparing and revising the Nebraska emergency
16 operations plans, the agency shall seek the advice and assistance of
17 other agencies of government and the private sector. In advising
18 city, village, county, and interjurisdictional emergency management
19 organizations, the Nebraska Emergency Management Agency shall
20 encourage them to also seek advice from these sources.

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

23 (6) The agency shall:

24 (a) Determine the requirements of the state and its
25 political subdivisions for basic necessities such as food, clothing,

1 and shelter in various disaster, emergency, or civil defense
2 emergency situations;

3 (b) Procure and pre-position emergency supplies,
4 materials, and equipment;

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

8 (d) Periodically review city, village, county, and
9 interjurisdictional emergency operations plans;

10 (e) Provide for state emergency response teams;

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

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

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

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

25 (j) Establish a register of mobile and construction

1 equipment and temporary housing available for use in a disaster or
2 emergency;

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

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

10 (m) Coordinate state emergency response as directed by
11 the Governor; ~~and~~

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

1 information pursuant to this subdivision who intentionally discloses
2 or releases such information in violation of this subdivision is
3 guilty of a Class III misdemeanor; and

4 ~~(n)~~—(o) Do other things necessary, incidental, or
5 appropriate for the implementation of the act.

6 Sec. 2. Original section 81-829.41, Reissue Revised
7 Statutes of Nebraska, is repealed.