

LEGISLATIVE BILL 434

Approved by the Governor April 3, 2013

Introduced by Price, 3.

FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.41, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska Emergency Management Agency relating to emergency management registries; to provide for voluntary participation; to provide for certain information not to be considered a public record; to provide for confidentiality of certain information; to provide a penalty; and to repeal the original section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Other necessary matters.

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

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

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

(6) The agency shall:

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

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

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

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

(e) Provide for state emergency response teams;

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

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

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

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

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

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

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

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

and

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

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

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